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**LEGISLATIVE JOURNAL  
OF THE  
STATE OF NEBRASKA**

**EIGHTY-SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**1981**

**CONVENED OCTOBER 30, 1981      ADJOURNED NOVEMBER 7, 1981  
LINCOLN, NEBRASKA**

**Compiled**

**Under Authority of the Legislature**

**by**

**PATRICK J. O'DONNELL, CLERK**



## OFFICERS OF THE LEGISLATURE

Roland A. Luedtke, (Lt. Governor), President .....Lincoln  
 Richard D. Marvel, Speaker .....Hastings  
 Patrick J. O'Donnell, Clerk .....Lincoln  
 Richard Brown, Assistant Clerk .....Lincoln  
 Robert E. Palmer, Chaplain Coordinator .....Lincoln  
 Lottie Henderson, Postmistress .....Lincoln  
 Ray R. Wilson, Sergeant at Arms .....Lincoln

## EXECUTIVE BOARD

Howard Lamb, Anselmo .....Chairperson  
 Donald N. Dworak, Columbus .....Vice Chairperson  
 Richard D. Marvel, Hastings .....Speaker  
 Calvin F. Carsten, Avoca .....Member-at-large  
 Robert L. Clark, Sidney .....Member-at-large  
 David Newell, Omaha .....Member-at-large  
 William E. Nichol, Scottsbluff .....Member-at-large  
 Carol McBride Pirsch, Omaha .....Member-at-large  
 Loran Schmit, Bellwood .....Member-at-large  
 Jerome Warner, Waverly .....Ex-officio member

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**FISCAL ANALYST** .....Dale Johnson

**OMBUDSMAN** .....Marshall Lux

**RESEARCH** .....Dr. Jack Rodgers

## JOURNAL CLERKS

.....Vicki Buck  
 .....Leona Shields  
 .....Joan Vanderford

## LEGISLATURE

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### MEMBERS

Dist.	Name	Address	Occupation	Counties
1	R. Wiley Remmers.....	Auburn.....	Farmer/ Legislator.....	Gage*, Nemaha, Pawnee, Richardson
2	Calvin F. Carsten.....	Avoca.....	Farmer.....	Cass*, Johnson*, Otoe*
3	Emil E. Beyer, Jr.....	Gretna.....	Real Estate..... Investments	Sarpy*
4	Larry D. Stoney.....	Omaha.....	Insurance.....	Douglas*
5	Bernice Labedz.....	Omaha.....	Public Relations/ Falstaff Brewing Corp.	Douglas*
6	Peter Hoagland.....	Omaha.....	Attorney.....	Douglas*
7	Karen Kilgarin.....	Omaha.....	Real Estate.....	Douglas*
8	Vard Johnson.....	Omaha.....	Attorney/Legal Aid Society.	Douglas*
9	Marge Higgins.....	Omaha.....	Insurance Agent.....	Douglas*
10	Carol Pirsch.....	Omaha.....	Supervisor/Public Relations.	Douglas*
11	Ernie Chambers.....	Omaha.....	Barber.....	Douglas*
12	Gerald D. Koch.....	Ralston.....	Exec. Sec./Omaha..... Suburban Area Council of Schools	Douglas*
13	Dave Newell.....	Omaha.....	State Senator.....	Douglas*
14	Walter J. Duda.....	Omaha.....	Farmer.....	Douglas*
15	Lowell C. Johnson.....	North Bend.....	Business/Farming/ Engineer	Dodge*
16	James E. Goll.....	Tekamah.....	Auto Dealer.....	Burt, Cuming*, Thurston, Washington
17	Merle Von Minden.....	Allen.....	Farmer.....	Dakota, Dixon, Wayne*
18	Harry Chronister.....	Schuyler.....	Agri-Businessman.....	Colfax, Cuming*, Dodge*, Stanton

Dist.	Name	Address	Occupation	Counties
19	Elroy M. Hefner.....	Coleridge.....	Business Executive.....	Cedar, Knox, Pierce*, Wayne*
20	Glenn A. Goodrich.....	Omaha.....	Electrical Contractor.....	Douglas*
21	Richard Peterson.....	Norfolk.....	Beekeeper.....	Madison, Pierce*
22	Donald N. Dworak.....	Columbus.....	Insurance Executive.....	Boone*, Nance, Platte*
23	Loran Schmit.....	Bellwood.....	Farmer/Livestock.....	Butler, Platte*, Feeder Polk*, Saunders*
24	Harold F. Sieck.....	Pleasant Dale.....	Farmer.....	Polk*, Seward, York
25	Jerome Warner.....	Waverly.....	Livestock, Farming.....	Cass*, Johnson*, Lancaster*, Otoe*, Saunders*
26	Donald Wesely.....	Lincoln.....	Worker.....	Lancaster*
27	Steve Fowler.....	Lincoln.....	Consultant.....	Lancaster*
28	Chris Beutler.....	Lincoln.....	Attorney.....	Lancaster*
29	Shirley Marsh.....	Lincoln.....	Homemaker.....	Lancaster*
30	George "Bill" Burrows....	Adams.....	Farmer.....	Gage*, Jefferson*, Saline*
31	Steve Wiitala.....	Omaha.....	Teacher.....	Douglas*
32	Shari Apking.....	Alexandria.....	Homemaker/ Newspaper Columnist.....	Fillmore, Jefferson*, Saline*, Thayer
33	Richard D. Marvel.....	Hastings.....	Professor/ Political Science	Adams
34	Maurice A. Kremer.....	Aurora.....	Farmer/Businessman.....	Clay, Hamilton, Merrick, Nuckolls*, Polk*
35	Howard L. Peterson.....	Grand Island.....	Development Officer/ Stuhr Museum	Hall*
36	Ron Cope.....	Kearney.....	Business/Farming.....	Buffalo*, Hall*
37	Martin Kahle.....	Kearney.....	Retired Farmer.....	Buffalo*, Franklin, Kearney, Nuckolls*, Webster

Dist.	Name	Address	Occupation	Counties	W.
38	Tom Vickers.....	Farnam.....	Stockman.....	Frontier, Furnas, Gosper, Harlan, Hayes*, Red Willow	
39	Bill Barrett.....	Lexington.....	Real Estate/Insurance.....	Buffalo*, Dawson, Phelps	
40	John DeCamp.....	Neligh.....	Attorney/Speculator.....	Antelope, Boone*, Boyd, Holt	
41	Donald L. Wagner.....	Ord.....	Farmer.....	Custer*, Garfield, Greeley, Hall*, Howard, Loup Sherman, Valley, Wheeler	
42	Myron Rumery.....	North Platte.....	Retired.....	Custer*, Lincoln	
43	Howard A. Lamb.....	Anselmo.....	Rancher.....	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas	
44	Rex S. Haberman.....	Imperial.....	Farm Manager.....	Arthur, Chase, Deuel, Dundy, Garden, Hayes*, Hitchcock, Keith, Perkins	
45	George Fenger.....	Bellevue.....	Real Estate Owner	Sarpy*	
46	Dave Landis.....	Lincoln.....	State Senator.....	Lancaster*	
47	Robert L. Clark.....	Sidney.....	Merchant.....	Banner, Cheyenne, Kimball, Morrill, Scotts Bluff*	
48	William E. Nichol.....	Scottsbluff.....		Scotts Bluff*	
49	Samuel K. Cullan.....	Hemingford.....	Farmer.....	Box Butte, Dawes, Sheridan, Sioux, Grant	

#### Clerk

Patrick J. O'Donnell.....Lincoln



## **RULES OF THE LEGISLATURE**

Rules in effect at the commencement of the Eighty-Seventh Legislature, First Special Session, 1981, are the same rules in effect at the commencement of the Eighty-Seventh Legislature, Second Session, 1982 except as amended by rule changes adopted the first day of the Special Session on October 30, 1981.



**FIRST DAY - OCTOBER 30, 1981**  
**LEGISLATIVE JOURNAL**  
**EIGHTY-SEVENTH LEGISLATURE**  
**FIRST SPECIAL SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, October 30, 1981

Pursuant to a proclamation by His Excellency, Charles Thone, Governor of the State of Nebraska, the Eighty-seventh Legislature, First Special Session assembled in the West Legislative Chamber of the State Capitol, at the hour of 10:04 a.m., Friday, October 30, 1981, and was called to order by President Roland A. Luedtke.

**PRAYER**

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

Presentation of colors by the Nebraska National Guard Ceremonial Unit.

**DECLARATION**

Members of the Legislature:

Pursuant to a proclamation issued by the Honorable Charles Thone, Governor of Nebraska, we are here and now assembled in the 87th Legislature, 1st Special Session of the Nebraska Legislature. I, as President, declare that we are now open for the transaction of business.

(Signed) Roland A. Luedtke  
President

**ROLL CALL**

The roll was called and all members were present.

**PROCLAMATION**

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Section 8, Article IV, of the Constitution of the State of Nebraska,

I, Charles Thone, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, DO HEREBY CALL the Legislature of Nebraska to convene in extraordinary session at the State Capitol on Friday, October 30, 1981, at 10:00 o'clock a.m., for the purpose of considering and enacting legislation relating to the following subjects:

1. Reduce appropriations approved by the 87th Legislature 1st Session; and

2. Lapse cash funds to the State General Fund.

I DIRECT that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by mailing to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 27th day of October, 1981.

(Signed) Charles Thone  
Governor

(SEAL)

Attest

(Signed) Allen J. Beermann  
Secretary of State

### CERTIFICATE

BARBARA BRUNKOW being first duly sworn says that she is the secretary for Charles Thone, Governor of the State of Nebraska; that on October 27, 1981; she sent by United States Mail, a copy of the Governor's Proclamation issued on that said date calling for a special session of the Nebraska Legislature to all members of the Nebraska Legislature 87th Session.

(Signed) Barbara Brunkow

SUBSCRIBED and sworn to before me this 29th day of October, 1981.

(Signed) Peggy L. Pohlmann  
Notary Public

Commission expires November 12, 1984

**PROCLAMATION**  
**Amendment of Call for Extraordinary Session**

I, Charles Thone, Governor of the State of Nebraska, hereby amend the call for an extraordinary session of the Legislature of Nebraska made on October 27, 1981, to include in addition to the subjects enumerated therein, the following subjects:

3. Amend laws relating to Aid to Families with Dependent Children as required by federal law and amend laws relating to Child Support Enforcement as required by federal law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this twenty-ninth day of October, 1981.

(Signed) Charles Thone  
Governor

Attest:  
(Signed) Ralph Englert  
Deputy Secretary of State

**CERTIFICATE**

BARBARA BRUNKOW being first duly sworn says that she is the secretary for Charles Thone, Governor of the State of Nebraska; that on October 29, 1981; she personally delivered a copy of the Governor's "Proclamation Amendment of Call for Extraordinary Session," issued on that said date to the offices of all members of the Nebraska Legislature 87th Session.

(Signed) Barbara Brunkow

SUBSCRIBED and sworn to before me this 30th day of October, 1981.

(Signed) Peggy L. Pohlmann  
Notary Public  
Commission expires November 12, 1984

**RESIGNATION**

June 5, 1981

Governor Charles Thone  
State Capitol  
Lincoln, NE

Dear Governor Thone:

I hereby submit my resignation from the Nebraska Legislature, 32nd District, effective 12:00 o'clock noon, Sunday, June 7, 1981.

It is with mixed emotions that I do this. I have very much enjoyed serving in this capacity over the past 10 1/2 years and feel this has been a very rewarding experience. One consolation in leaving is that in my new position, I will continue to work with the Nebraska Legislature in promoting Nebraska's Number One industry, Agriculture.

Sincerely,  
(Signed) Senator Richard Maresh

RM/j  
CC: Pat O'Donnell, Clerk  
Nebraska Legislature

#### MESSAGE FROM THE SECRETARY OF STATE

October 30, 1981

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Sharon V. Apking as Member of the Legislature from the thirty-second (32nd) District for the unexpired term of Richard Maresh, resigned.

Sincerely,  
(Signed) ALLEN J. BEERMANN  
Secretary of State

Enclosures

#### CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that SHARON V. APKING has been appointed a Member of the Nebraska State Unicameral Legislature from the thirty-second (32nd) District for the unexpired term of Richard Maresh, resigned, for the term beginning June 9, 1981, for such time as she shall satisfactorily perform all the duties imposed upon such officer by law.

I further certify that the foregoing appointment was made by Governor Charles Thone under the authority granted by the Constitution and by Section 32-1042 of the revised statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this thirtieth day of October in the year of our Lord,  
one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann  
Secretary of State

(SEAL)

## GUBERNATORIAL APPOINTMENT

TO ALL TO WHOM THESE PRESENTS SHALL COME  
GREETING KNOW YE that I, CHARLES THONE, Governor of the  
State of Nebraska, reposing special trust and confidence in the  
integrity, patriotism and ability of Sharon V. Apking on behalf and in  
the name of the State do hereby appoint and commission her to the  
Legislature - District 32 and do authorize and empower her to  
discharge the duties of said office according to law this appointment  
to take effect and be in force on and after June 8, 1981 and so  
continue for such time as she shall satisfactorily perform all the duties  
imposed upon such officer by law and until January 5, 1983.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed the Great Seal of the State. Done at Lincoln this 8th day of June A.D. 1981.

(Signed) Charles Thone  
Governor

(Signed) Allen J. Beermann  
Secretary of State

## OFFICIAL OATH

[illegible]

"I Sharon V. Apking, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of

Member of the Legislature-32nd Dist. according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation).''\*

(Signed) Sharon V. Apking

Subscribed in my presence and sworn to before me this 9th day of June, 1981.

(Signed) Allen J. Beermann  
Notary Public

\*Replacing Senator Richard Maresh, resigned

(SEAL)

\*Constitution of the State of Nebraska.  
Article XV, Section One.

### RESIGNATION

July 13, 1981

Governor Charles Thone  
State Capitol  
Lincoln, Nebraska 68509

Dear Governor Thone:

I hereby submit my resignation as state senator from the 14th Legislative District this day, July 13, 1981. I have enjoyed my work in the Legislature and I look forward to serving the State of Nebraska as a liquor commissioner.

Sincerely,  
(Signed) Senator Tom Fitzgerald

TF:ph



FIRST DAY - OCTOBER 30, 1981

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**MESSAGE FROM THE SECRETARY OF STATE**

October 30, 1981

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Walter J. Duda as Member of the Legislature from the Fourteenth (14th) Legislative District for the unexpired term of Thomas S. Fitzgerald, resigned.

Sincerely,  
(Signed) Allen J. Beermann  
Secretary of State

Enclosures

**CERTIFICATE**

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that WALTER J. DUDA has been appointed a Member of the Nebraska State Unicameral Legislature from the Fourteenth (14th) District for the unexpired term of Thomas S. Fitzgerald, resigned, for the term beginning the 15th day of July, 1981, for such time as he shall satisfactorily perform all the duties imposed upon such officer by law.

I further certify that the foregoing appointment was made by Governor Charles Thone under the authority granted by the Constitution and by Section 32-1042 of the revised statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this thirtieth day of October in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann  
Secretary of State

(SEAL)

## LEGISLATIVE JOURNAL

## GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, CHARLES THONE Governor of the State of Nebraska, do hereby appoint Walter J. Duda of Omaha, Nebraska to the office of a member of the Legislature - District 14 to do and perform all the duties of said office for the term beginning July 13, 1981 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 5, 1983. Said appointee succeeds Thomas Fitzgerald, resigned.

Done at Lincoln, Nebraska, this 13th day of July A.D. 1981.

(Signed) Charles Thone  
Governor, State of Nebraska

## OFFICIAL OATH

[illegible]

"I Walter J. Duda, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature - 14th District according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."

(Signed) Walter J. Duda

Subscribed in my presence and sworn to before me this 15th day of July, 1981.

(Signed) Allen J. Beermann  
Notary Public

(SEAL)

\*Constitution of the State of Nebraska  
Article XV, Section One.

\*Replaces Thomas S. Fitzgerald - resigned.

### **MOTION - Election of Officers**

Speaker Marvel moved that the following officers be elected to serve for the 87th Legislature, First Special Session:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard Brown
Sergeant-At-Arms	Ray R. Wilson
Chaplain Coordinator	Dr. Robert E. Palmer

The motion prevailed with 46 ayes, 1 nay, and 2 present and not voting.

### **MOTION - Rules**

Mr. Wesely moved that the rules of the 87th Legislature be used in this First Special Session.

Mr. DeCamp moved to amend the Wesely motion by inserting the following provisions for this, the First Special Session of 1981:

1. Strike existing language of Rule 3 Section 12 and insert instead the following: Sec. 12. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon at the call of the chairman or a majority of its members. The notice of said hearing shall be published in the Legislative Journal.

2. A new Section 15 shall be added to Rule 5 said Section to read: Sec. 15. Consideration of Bills. Only the bills introduced at the request of the Governor shall be considered during this special session.

3. A new section 10 shall be added to Rule 7 said Section to read: Sec. 10. Debate Limitation, Cloture. At any stage of consideration a member may move for cloture to the presiding officer after 8 hours of debate at that stage of consideration on any bill. The presiding officer shall immediately recognize such member and shall then order debate on the pending amendment or motion to cease. The vote on the pending amendment or motion shall be taken immediately. Following the vote on the pending matter a vote on the cloture motion shall be taken, a 3/5 vote shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking and is not debatable. If the motion for cloture is successful, a vote on the advancement or final passage of the bill shall immediately be taken without further debate.

A motion for cloture following an unsuccessful motion for cloture shall not be in order until an additional hour of debate has passed.

4. Strike Rule 6 Section 2(b) relating to Objections to Reference of Bills.

### EASE

The Legislature was at ease from 10:22 a.m. until 10:26 a.m.

### MOTION - Rules

Mr. Wesely requested a division of the question on the proposed amendment to the rules.

The Chair sustained the division.

Proposed rule change 1 is as follows:

1. Strike existing language of Rule 3 Section 12 and insert instead the following: Sec. 12. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon at the call of the chairman or a majority of its members. The notice of said hearing shall be published in the Legislative Journal.

Proposed rule change 1 was adopted with 42 ayes, 3 nays, and 4 present and not voting.

Proposed rule change 2 is as follows:

2. A new Section 15 shall be added to Rule 5 said Section to read: Sec. 15. Consideration of Bills. Only the bills introduced at the request of the Governor shall be considered during this special session.

Messrs. Vickers and Hoagland offered the following amendment to the DeCamp amendment 2:

Amend DeCamp amendment #2 by striking its contents & inserting the following:

Only bills relevant to the purposes for which the session has been called shall be considered during this special session.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 6 nays, and 11 not voting.

The Vickers-Hoagland amendment lost with 13 ayes, 32 nays, and 4 present and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 6 nays, and 11 not voting.

Mr. Landis requested a record vote.

Voting in the affirmative, 28:

Apking	Cope	Haberman	Peterson, H.	Stoney
Barrett	Cullan	Hefner	Peterson, R.	Von Minden
Beyer	DeCamp	Johnson, L.	Pirsch	Wagner
Carsten	Duda	Kremer	Remmers	Warner
Chronister	Goll	Lamb	Rumery	
Clark	Goodrich	Nichol	Schmit	

Voting in the negative, 20:

Beutler	Fowler	Kahle	Landis	Sieck
Burrows	Higgins	Kilgarin	Marsh	Vickers
Chambers	Hoagland	Koch	Marvel	Wesely
Dworak	Johnson, V.	Labedz	Newell	Wiitala

Present and not voting, 1:

Fenger

Proposed rule change 2 was adopted with 28 ayes, 20 nays, and 1 present and not voting.

Proposed rule change 3 is as follows:

3. A new section 10 shall be added to Rule 7 said Section to read:  
Sec. 10. Debate Limitation, Cloture. At any stage of consideration a member may move for cloture to the presiding officer after 8 hours of debate at that stage of consideration on any bill. The presiding officer shall immediately recognize such member and shall then order debate on the pending amendment or motion to cease. The vote on the pending amendment or motion shall be taken immediately. Following the vote on the pending matter a vote on the cloture motion shall be taken, a 3/5 vote shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking and is not debatable. If the motion for cloture is successful, a vote on the advancement or final passage of the bill shall immediately be taken without further debate.

A motion for cloture following an unsuccessful motion for cloture shall not be in order until an additional hour of debate has passed.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 9 nays, and 5 not voting.

Proposed rule change 3 was adopted with 40 ayes, 7 nays, and 2 present and not voting.

Proposed rule change 4 is as follows:

4. Strike Rule 6 Section 2(b) relating to Objections to Reference of Bills.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Voting in the affirmative, 40:

Apking	Cullan	Higgins	Marsh	Rumery
Barrett	DeCamp	Johnson, L.	Marvel	Schmit
Beutler	Duda	Johnson, V.	Newell	Sieck
Beyer	Fenger	Koch	Nichol	Stoney
Carsten	Goll	Kremer	Peterson, H.	Vickers
Chronister	Goodrich	Labeledz	Peterson, R.	Von Minden
Clark	Haberman	Lamb	Pirsch	Wagner
Cope	Hefner	Landis	Remmers	Warner

Voting in the negative, 9:

Burrows	Dworak	Hoagland	Kilgarin	Wiitala
Chambers	Fowler	Kahle	Wesely	

Not voting, 0.

The motion prevailed with 40 ayes, 9 nays, and 0 not voting.

Mr. Landis requested a record vote on the proposed rule change 4.

Voting in the affirmative, 36:

Apking	Duda	Johnson, L.	Nichol	Stoney
Barrett	Fenger	Johnson, V.	Peterson, H.	Von Minden
Beyer	Goll	Kilgarin	Peterson, R.	Wagner
Carsten	Goodrich	Kremer	Pirsch	Warner
Chronister	Haberman	Labeledz	Remmers	
Clark	Hefner	Lamb	Rumery	
Cope	Higgins	Marsh	Schmit	
DeCamp	Hoagland	Marvel	Sieck	

Voting in the negative, 11:

Burrows	Fowler	Landis	Wesely
Chambers	Kahle	Newell	Wiitala
Dworak	Koch	Vickers	

Present and not voting, 2:

Beutler      Cullan

Proposed rule change 4 was adopted with 36 ayes, 11 nays, and 2 present and not voting.

Mr. Beutler offered the following amendment to the rules:

I move to amend Rule 2, section 2 as follows:

Sec. 2. These rules may only be suspended by a ~~three-fifths~~ two-thirds majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 3 nays, and 14 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 22:

Beutler	Fowler	Kilgarin	Newell	Wesely
Burrows	Haberman	Kremer	Schmit	Wiitala
Clark	Higgins	Landis	Sieck	
Cope	Hoagland	Marsh	Stoney	
DeCamp	Kahle	Marvel	Vickers	

Voting in the negative, 25:

Apking	Chronister	Hefner	Lamb	Remmers
Barrett	Cullan	Johnson, L.	Nichol	Rumery
Beyer	Duda	Johnson, V.	Peterson, H.	Von Minden
Carsten	Fenger	Koch	Peterson, R.	Wagner
Chambers	Goll	Labedz	Pirsch	Warner

Present and not voting, 2:

Dworak      Goodrich

The Beutler amendment lost with 22 ayes, 25 nays, and 2 present and not voting.

Mr. Chambers offered the following amendment:

Amend Rule 5, new section 15:

After "session", strike period and add: ", except that any bill may be considered if 5 members sign a request for such consideration."

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Voting in the affirmative, 17:

Beutler	Fowler	Kilgarin	Marvel	Wiitala
Burrows	Higgins	Koch	Newell	
Chambers	Hoagland	Labeledz	Vickers	
Dworak	Johnson, V.	Landis	Wesely	

Voting in the negative, 32:

Apking	Cullan	Hefner	Peterson, H.	Stoney
Barrett	DeCamp	Johnson, L.	Peterson, R.	Von Minden
Beyer	Duda	Kahle	Pirsch	Wagner
Carsten	Fenger	Kremer	Remmers	Warner
Chronister	Goll	Lamb	Rumery	
Clark	Goodrich	Marsh	Schmit	
Cope	Haberman	Nichol	Sieck	

Not voting, 0.

The Chambers amendment lost with 17 ayes, 32 nays, and 0 not voting.

The Wesely pending motion on rules as amended were considered.

Voting in the affirmative, 40:

Apking	Cullan	Higgins	Lamb	Rumery
Barrett	DeCamp	Hoagland	Marsh	Schmit
Beutler	Duda	Johnson, L.	Marvel	Sieck
Beyer	Fenger	Johnson, V.	Nichol	Stoney
Carsten	Goll	Kahle	Peterson, H.	Von Minden
Chronister	Goodrich	Kilgarin	Peterson, R.	Wagner
Clark	Haberman	Kremer	Pirsch	Warner
Cope	Hefner	Labeledz	Remmers	Wesely



Voting in the negative, 9:

Burrows	Dworak	Koch	Newell	Wiitala
Chambers	Fowler	Landis	Vickers	

Not voting, 0.

The Wesely motion on rules as amended were adopted with 40 ayes, 9 nays, and 0 not voting.

### **MOTION - Approve Membership**

Speaker Marvel moved that the membership of all Standing, Select, and Special Committees of the 87th Legislature, as amended by the Executive Board of the Legislative Council because of newly appointed members, be continued for the balance of 87th Legislature.

Voting in the affirmative, 46:

Apking	Duda	Johnson, L.	Marvel	Vickers
Barrett	Dworak	Johnson, V.	Nichol	Von Minden
Beutler	Fenger	Kahle	Peterson, H.	Wagner
Beyer	Fowler	Kilgarin	Peterson, R.	Warner
Burrows	Goll	Koch	Pirsch	Wesely
Carsten	Goodrich	Kremer	Remmers	Wiitala
Chronister	Haberman	Labeledz	Rumery	
Clark	Hefner	Landis	Schmit	
Cope	Higgins	Lamb	Sieck	
DeCamp	Hoagland	Marsh	Stoney	

Voting in the negative, 1:

Newell

Present and not voting, 2:

Chambers Cullan

The Marvel motion was adopted with 46 ayes, 1 nay, and 2 present and not voting.

### **RECESS**

At 12:23 p.m., on a motion by Speaker Marvel, the Legislature recessed until 2:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 2:02 p.m., President Luedtke presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Chambers, Fowler, Newell, and Schmit who were excused until they arrive.

**MOTION - Notify Governor**

Speaker Marvel moved that the President appoint a committee of five to notify the Governor that the Legislature is now convened, organized, and ready for the transaction of business and to return with any message the Governor may have for this, the First Special Session of the Eighty-Seventh Legislature.

The motion prevailed.

The Chair appointed Mrs. Apking, Messrs. Rumery, Goll, Burrows, and Duda to serve as said committee.

**EASE**

The Legislature was at ease from 2:08 p.m. until 2:13 p.m.

The committee escorted Governor Charles Thone to the rostrum where he delivered the following message.

**MESSAGE TO THE LEGISLATURE**

The story is told of the husband, looking over family bills, who then says to his wife,

"Well, we're at the bridge we were going to cross when we came to it."

The State of Nebraska is now clearly at a fiscal integrity bridge. Let's cross it with the taxpayers in mind. Let's cross it with the state constitutional mandate of economy and efficiency in mind. Let's cut spending.

In my closing speech at the last legislative session on May 22, I pledged to call this special session if our income projections through June 30 next year were insufficient to support the approved appropriations and reserve requirements.

The Department of Revenue now forecasts that the current tax rates of 3% sales and an income tax rate of 15% of federal liability will not cover all liabilities plus at least a three per cent reserve mandated by statute. It is to be emphasized that under our Nebraska procedure the tax rates are mandatorily set on the total of all liabilities plus reserve, not on cash balance. Our cash situation for the fiscal year remains positive and will stay good according to Budget Director Don Leuenberger. But, according to law, we must set rates on obligated liabilities plus reserve, not on cash flow.

In your next regular session it might be prudent to review the necessity of a three per cent reserve requirement. State Tax Commissioner Fred Herrington points out that when enacted this law mandated about a 9 million dollar cushion, now with inflation hiked budgets it requires a \$23 million cushion. That's too high a reserve commitment he says, and he's obviously right. You should also at that time look hard and favorably at biennial appropriations and at allowing the Board of Equalization and Assessment to fine tune tax rates rather than the required 1% income and 1/2% sales adjustments which often exaggerate receipts.

But back to the bridge, and we find that we have two choices.

(1) Raise taxes, or

(2) Cut spending...now.

As I indicated at my Tuesday press conference announcing this session:

"I am totally and emphatically against any increase in Nebraska income tax or sales tax rates." It is just not necessary that taxes be raised.

A large majority of citizens in the state share my views. I'm sure that a heavy majority of you Senators also agree on the need for fiscal soundness.

I personally visited with most of you prior to the session call. Senator Schmit's immediate response on the telephone was typical. He said, "Governor, since last July 1, livestock values are down \$200 million, and all farm commodities are down in value a billion dollars." Cutting state spending by 3% is in order, and so, we must do what is necessary, carefully, but with dispatch.

The Department of Revenue will fully share with you all of its current data on tax receipts and projections for the future. And, by the way, the good news from them is that the Nebraska economy should bounce back around July-August-September of next year. The budget office will work with each and everyone of you at your request. Needless to say, I am also willing to work and cooperate with you on this and other matters of rightful legislative concern.

But let me emphasize this, loud and clear, and as plain and direct as I can ....

As a long time Unicameral watcher, I don't favor special sessions. They are often bad news for Nebraska, but here we are meeting at my call, and I assure you it was done after most serious review and for most compelling cause. I am respectfully asking you for this \$25 million cut in spending. That cut is doable without disrupting any necessary services for Nebraskans. It is well to keep in mind that state spending has skyrocketed in recent years. Your full cooperation is warranted and essential in the interests of good government.

Speaker Marvel will shortly introduce on my behalf detailed proposals in the form of a legislative bill to reduce current appropriations by \$21.4 million and to lapse \$4 million in cash funds to the General Fund. This action is made necessary by current and projected revenue shortfalls, occurring substantially in personal income tax receipts, and by the revenue loss, also in personal income tax receipts, attributable to the recent personal federal income tax reduction.

It is no news to any of you that predicting the future, in this case the economic future, is at best an inexact science. But stifling interest rates, a poor farm and business economy, and reports of reduction in employment in more labor sections lead eventually to a corresponding decline in current and future state revenue receipts.

I formally inform you now that revenues will not equal current appropriations plus the mandatory reserve.

My strong and most sincere request is that you reduce appropriations as I have outlined in this talk and have detailed in the legislative bill of Speaker Marvel.

In closing, an editorial writer of the Norfolk Daily News was right on in an editorial on Tuesday of this week when he said: It is time for government to react in the way that every householder and private businessman must: To pare spending to meet income. Legislators should be measured on their willingness to help with that task, not on their pronouncements about the accuracy of their earlier projections or their pleas that no cuts can be made because everything state government does is so essential as to be beyond further economies.

Your help is needed, is warranted and will be appreciated.

The committee escorted the Governor from the Chamber.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 1.** By Newell, 13th District.

This bill introduced on behalf of: the People of Nebraska.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change a restriction on setting tax rates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 2.** By Newell, 13th District; Landis, 46th District; Fowler, 27th District; Wiitala, 31st District; Burrows, 30th District.

This bill introduced on behalf of: the People of Nebraska.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide for the setting of income and sales tax rates by the Legislature; to provide procedures; and to repeal the original section, and also sections 77-2715.02 and 77-2715.03, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 3.** By Fowler, 27th District.

This bill introduced on behalf of: fiscal solvency.

A BILL FOR AN ACT to amend section 19-3909.01, Revised Statutes Supplement, 1980, relating to the Nebraska Public Transportation Act of 1975; to change an amount which may be transferred to a fund as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 4.** By Fowler, 27th District.

This bill introduced on behalf of: fiscal solvency.

A BILL FOR AN ACT to amend Laws 1981, LB 257A, sections 1 to 3; relating to appropriations; to change the funds from which certain appropriations are made; to lapse certain funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 5.** By Fowler, 27th District.

This bill introduced on behalf of: fiscal solvency.

A BILL FOR AN ACT relating to the General Fund; to amend section 66-421, Reissue Revised Statutes of Nebraska, 1943, sections 66-473, 66-480, and 81-1253, Revised Statutes Supplement, 1980, and sections 74-1321 and 81-1558, Revised Statutes Supplement, 1981; to provide for a transfer of certain funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 6.** By Fowler, 27th District.

This bill introduced on behalf of: fiscal solvency.

A BILL FOR AN ACT relating to funds; to amend sections 57-705, 81-1632, and 81-1633, Revised Statutes Supplement, 1981; to eliminate certain funds; to change funding provisions for certain programs; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 7.** By Marvel, 33rd District.

This bill introduced on behalf of: At the request of the Governor.

A BILL FOR AN ACT to amend sections 43-504 and 43-504.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-512.02, Revised Statutes Supplement, 1981, relating to assistance to certain children; to redefine terms; to change benefit requirements as prescribed; to prescribe work registration requirements; to impose a fee for collection services as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 8.** By Marvel, 33rd District.

This bill introduced on behalf of: At the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1981, LB 558, sections 3 and 6 to 13, Laws 1981, LB 559, sections 3 to 5, 7 to 13, 15 to 22, 24 to 28, 30 to 46, and 48, Laws 1981, LB 560, sections 3 to 13, Laws 1981, LB 561, sections 5, 7, 9, 11 to 13, 16, 17, 23, 26 to 29, 31, and 32, Laws 1981, LB 562, section 23, Laws 1981, LB 163, sections 6, 10, 17, and 21, Laws 1980, LB 1000, sections 4 and 5, as amended by Laws 1981, LB 163, sections 3 and 4, respectively, Laws 1980, LB 1001, section 28, as amended by Laws 1981, LB 163, section 5, Laws 1981, LB 557, section 20, Laws 1981, LB 129A, section 1, Laws 1981, LB 207A, section 1, Laws 1981, LB 245A, sections 1, and 3 to 6, Laws 1981, LB 292A, section 1, Laws 1981, LB 328A, sections 1 and 2, and Laws 1981, LB 559, section 6, as amended by Laws 1981, LB 487A, section 2; to reduce, defer, and delete appropriations; to increase and provide additional transfers from cash funds to the General Fund; to remove a provision relating to the proposed Regional College of Veterinary Medicine; to repeal the original sections, and also Laws 1981, LB 206A, section 2, Laws 1981, LB 506A, section 3, and Laws 1981, LB 562, sections 4 and 16; and to declare an emergency.

**EASE**

The Legislature was at ease from 2:35 p.m. until 3:27 p.m.

**UNANIMOUS CONSENT - Member Excused**

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

**MESSAGES FROM THE GOVERNOR**

June 15, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Liquor Commission requiring legislative confirmation:

Bill Palmer, 7440 Briarhurst Court, Lincoln 68506, term  
expiring May 24, 1987, succeeding Phil Weaver, term expired.

This appointment is respectfully submitted for your consideration.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:mh  
cc: Bill Palmer  
Liquor Commission

June 15, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

J. Michael Jess, 2535 Stockwell, Lincoln 68502, Director of the Department of Water Resources, for a term as prescribed by law, succeeding John Neuberger, resigned.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: J. Michael Jess

Accountability and Disclosure Commission  
Department of Water Resources

June 15, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Bert Garvin, Box 367 Pierce, Nebraska 68767, Director of the Department of Agriculture, for a term as prescribed by law, succeeding Mickey Stewart, resigned.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Bert Garvin

Accountability and Disclosure Commission  
Department of Agriculture



June 15, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Buck Balok, 2641 Rathbone Road, Lincoln 68502, Director of the Nebraska Energy Office, for a term as prescribed by law, succeeding William Palmer, resigned.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Buck Balok  
Accountability and Disclosure Commission  
Nebraska Energy Office

June 16, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Racing Commission requiring legislative confirmation:

Paul Galter, 6041 The Knolls 68512, term expiring May 24, 1987, succeeding Duane Fudge, term expired.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Paul Galter  
Accountability and Disclosure Commission  
Racing Commission

July 6, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Advisory Committee to the Department of Economic Development, requiring legislative confirmation:

Reappointments:

Herbert H. Davis, Jr. 1623 Farnam, Suite 700, Omaha 68102;  
Max E. Kiburz, General Manager, Loup Power District, Box  
988, Columbus 68601.

Appointments:

R. E. Burkley, First National Bank of Fairbury, Fairbury 68352,  
succeeding Burnham Yates, term expired;  
John Egging, The Egging Company, Gurley 69141, succeeding  
Neil Colerick, term expired;  
Rosemary Hannam, 4914 Capitol Avenue, Omaha 68132,  
succeeding Robert Lueder, term expired;  
H. Don Sample, Rural Route 1, Scottsbluff 69361, succeeding  
Charles Davey, term expired.

These appointments, all of which expire on July 1, 1985, are respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: All appointees

FIRST DAY - OCTOBER 30, 1981

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Department of Economic Development  
Accountability and Disclosure Commission

July 6, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Environmental Control Council, requiring legislative confirmation:

Reappointments:

Patricia R. Hoffman, 2201 Hanover Court, Lincoln 68512;  
William Krejci, Fairmont 68354;  
Homer Loutzenheiser, NPPD, Box 310, North Platte 69101;  
Al Wood, Box 554, Schuyler 68661.

Appointments:

Don Crosier, Box 95063, Lincoln 68509, succeeding Dwayne Kizzier, term expired;  
Robert Parker, 1210 Douglas, Omaha 68102, succeeding Leonard J. Shaefer, term expired;  
Vernon Pearson, Route 2, Shickley 68436, succeeding Maurine Biegert, term expired;  
Sylvia Wagner, 702 Parkwood Lane, Omaha 68132, succeeding Jerry Hassett, term expired.

All of the above appointments expire June 22, 1985.

These appointments are respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: All appointees  
Environmental Control Council  
Accountability and Disclosure Commission

July 30, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointments to the Agricultural Products Industrial Utilization Committee, requiring legislative confirmation:

Don Larson, 917 Third Corso, Nebraska City 68410;

Ralph O'Connor, Grafton 68305;

Doris Royal, Springfield 68059;

These appointments, all of which expire July 1, 1985, are respectfully submitted for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: All appointees

Agricultural Products Industrial Utilization Committee  
Accountability and Disclosure Commission

July 30, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission of Industrial Relations, requiring legislative confirmation:

Harvey D. Davis, 475 Continental Building, Omaha 68102, term  
expiring June 9, 1987, succeeding Benjamin Wall, term  
expired.

This appointment is respectfully submitted for your consideration.

FIRST DAY - OCTOBER 30, 1981

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(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Harvey Davis  
Commission of Industrial Relations  
Accountability and Disclosure Commission

July 30, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Liquor Commission, requiring legislative confirmation:

Tom Fitzgerald, 4401 So. 27th, Apt. C-5 Omaha 68512, term  
expiring May 24, 1983, succeeding Catherine Dahlquist,  
resigned.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Tom Fitzgerald  
Liquor Commission  
Accountability and Disclosure Commission

August 17, 1981

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Educational Lands and Funds, requiring legislative confirmation:

Gene A. Moody, Purdum State Bank, Purdum 69157, term  
expiring October 1, 1984, succeeding John Cassel, deceased.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Gene A. Moody  
Board of Educational Lands and Funds  
Accountability and Disclosure Commission

September 9, 1981

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I  
have made the following appointment requiring legislative  
confirmation:

Charles L. Benson, Department of Corrections, P.O. Box  
94661, Lincoln 68509, Director of the Department of  
Corrections, for a term as prescribed by law, succeeding Jerry  
Bolin, resigned.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Charles Benson  
Accountability and Disclosure Commission  
Department of Corrections

September 9, 1981

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Dr. Henry Smith, Department of Health, State Office Building,  
Lincoln 68509, Director of the Department of Health, for a  
term as prescribed by law, succeeding himself.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Dr. Henry Smith  
Accountability and Disclosure Commission  
Department of Health

September 9, 1981

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to Nebraska Arts Council, requiring legislative confirmation:

Reappointment:

Joan Nelson, 1920 N Street, Aurora 68818, term expiring  
September 2, 1984;

Appointments:

Sam Davidson, Lincoln Foundation, 215 Centennial Mall  
South, Lincoln 68508, succeeding Jack Thompson, term  
expired;  
William Fitzgerald, 2120 So. 72nd Street, Omaha 68124,  
succeeding Marian Andersen, term expired;

Cal Solem, 576 Continental Building, Omaha 68102, succeeding  
Loren Olsson, term expired;  
Richard L. White, 1615 Circle Drive, Lincoln 68506, succeeding  
Wallace Richardson, term expired.

All of the above appointments, expiring September 2, 1984, are respectfully submitted for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: All appointees

Nebraska Arts Council

Accountability and Disclosure Commission

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 129  
July 17, 1981

Dear Senator Beutler:

You have asked if the constitution would permit the extension of the personnel act, or the rules and regulations adopted thereunder, to the employees of constitutional officers.

It would appear that the answer to your question is contained in the provisions of Article IV, Section 1, of the Nebraska Constitution, which opens by stating: "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law."

This section of the Constitution then closes with the provision: "Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

In determining whether or not the provisions of the personnel act could be extended to constitutional officers, we consider the general rule that the constitutionality of an act would be determined from what may be done under the act.

In our opinion any attempt to extend the application of the personnel act to the departments referred to in Article IV, Section 1, of the Constitution would take away, or substantially diminish, their power to appoint or remove all subordinate employees in their respective departments. If this is correct then it is doubtful that any



attempt to extend the application of the personnel act to the constitutional officers could not be successfully defended in the courts.

The same would be true with regard to any grievance procedures adopted by the personnel department pursuant to its rulemaking authority.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Bernard L. Packett  
Assistant Attorney General

BLP:ekj

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 130  
July 23, 1981

Dear Senator Wagner:

In your letter of July 10, 1981, you call our attention to the fact that Neb.Rev.Stat. §21-17,133 (Reissue 1977), was amended by section 19 of LB 204 by the Legislature this past session and inform us of your intention to amend this section if you feel such is required after receiving our response to your inquiries.

The substance of this amendment concerned the reimbursement for expenses of members of the Board of Directors of any corporation formed pursuant to the Nebraska Depository Institution Guarantee Corporation Act, Neb.Rev.Stat. §§21-17,127 et seq., (Reissue 1977), who are state employees. Apparently there are or could be members of such Board of Directors who are simultaneously state employees and it was evidently the intent of the Legislature that any such employee serving in this capacity be compensated for his necessary expenses related to this service in a manner prescribed by Neb.Rev.Stat. §§84-306.01 through 84-306.05 (Supp. 1980).

You then inquire as to whether or not the Legislature constitutionally limited the compensation for expenses necessarily incurred by state employees simultaneously serving as Directors of such corporations and if so whether the compensation paid would be paid from corporate or state funds.

If state employees are to be permitted to simultaneously serve as members of Boards of Directors of such corporations, we do not believe that there are any constitutional infirmities in limiting the manner in which they are to be compensated for the services

performed at a time they are being compensated by the state. Given the language of this amendment, it would appear to us that the expenses incurred by these state employees would be considered incident to their employment and necessary expenses incurred by them while employed, and would therefore be paid out of state funds.

We hope this answers your inquiry, and if we can be of further assistance to you on these matters, please let us know.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Terry R. Schaaf  
Assistant Attorney General

TRS:ekj

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 133  
July 31, 1981

Dear Senator Warner:

By a letter dated June 10, 1981, you requested clarification of an earlier opinion issued by this office. That earlier opinion, No. 116 dated May 29, 1981, dealt with certain aspects of LB 412 introduced during the 1981 legislative session, and was in response to your opinion request dated May 26, 1981. Your clarification request is based upon an apparent mutual misunderstanding regarding the placement of certain proposed amendatory language within the text of LB 412. From the explanation contained in your letter of June 10th, we do believe that clarification of our earlier opinion is necessary.

The Nebraska statutes pertaining to the "greenbelt" special tax assessment, Neb.Rev.Stat. §§77-1343 to 77-1348 (Reissue 1976), currently provide that certain real estate used for agricultural purposes shall be assessed at its actual value for agricultural use and not at the actual value it would have if applied to other than agricultural use. To qualify for this special assessment, agricultural land must be 1. used exclusively for an agricultural use, and 2. located within an agricultural use zone. LB 412 would amend various sections of these statutes dealing with the special tax treatment of agricultural lands, and, under LB 412, the definition of agricultural use zone would include any land designated "predominantly" for agricultural use by cities or counties under their zoning powers.

In your initial opinion request, you asked whether LB 412 would make it possible for land located within an agricultural use zone to

receive the greenbelt special tax assessment even though that land was zoned for a possible commercial or industrial use. Since LB 412 defines agricultural use zone as land designated "predominantly" for agricultural use, and since, under that definition, it appears that a small area of land within an agricultural use zone could possibly be zoned for commercial or industrial development, we answered your question in the affirmative. However, we noted that under the two part test for availability of the greenbelt special assessment, such land permitted a commercial or industrial use could receive special tax treatment only as long as it was farmed or used exclusively for agricultural purposes.

You then asked whether a certain amendment to the text of LB 412 would prevent land zoned for commercial or industrial development but located within an agricultural use zone from receiving the greenbelt special tax assessment. In our earlier opinion, we set forth what we understood to be your proposed amendment in its entirety, and stated that, in instances where land in an agricultural use zone was actually farmed, the language of your proposed amendment would prevent such land from receiving special tax treatment only if that land was subdivided for residential or commercial uses.

From your letter of June 10, 1981, it is our understanding that the amendatory language you wish us to consider should be added to the original LB 412 at page 3, line 7 rather than to page 3, line 7 of the final reading version. This change would amend LB 412 to read as follows:

(1) Any land which is used exclusively for agricultural use, and which is located within an agricultural use zone, shall be assessed at its actual value for agricultural use and not at the actual value it would have if applied to other than agricultural use if application for such special assessment is made pursuant to sections 77-1343 to 77-1348; Provided, that the special assessment provisions shall not be applicable to that portion of lands zoned for agricultural use if such lands have been subdivided for residential or commercial use or zoned to allow commercial or industrial use.

It is our opinion that the amendment above would prevent land zoned for commercial or industrial use but located in an agricultural use zone from receiving the special tax treatment in question. Accordingly, in instances where land zoned for commercial or industrial use is located in an agricultural use zone, your amendment would prevent that land from receiving the greenbelt tax assessment even though it is used exclusively for agricultural purposes.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Dale A. Comer  
Assistant Attorney General

DAC:sjr

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 134  
July 31, 1981

Dear Senator Beyer:

In your letter to this office, you requested our opinion as to the constitutionality of certain proposed legislation regarding the Nebraska State Racing Commission. We have reviewed the draft of your proposed bill, and our conclusions are set forth below.

By a letter dated December 31, 1980, this office informed the Nebraska State Racing Commission that, under Neb.Rev.Stat. §2-1213 (Supp. 1980), there was no specific statutory authority for its practice of charging fees for the registration of Nebraska-bred horses, nor was there statutory authority for its delegation of the registration function to a private organization. From your letter, we understand that the proposed bill which is the subject of this opinion is designed to correct the problems which we pointed out to the State Racing Commission.

To facilitate our discussion of your proposed legislation, we quote your proposed addition to the Nebraska statutes in its entirety:

The State Racing Commission may delegate to certain organizations the Commission's powers and duties with respect to establishing and maintaining a Nebraska Thoroughbred Registry. The State Racing Commission may establish a registration fee of not more than \$10 nor less than \$5 to cover the costs of establishing and maintaining the Nebraska Thoroughbred Registry. If the Commission delegates its duties with respect to such registry to an organization, such organization may collect such fees to reimburse its costs. Any decision or action of the organization may be appealed to the Commission or reviewed by the Commission on its own initiative.

We have reviewed this proposed statutory change, and we find several potential constitutional problems with the bill as it is presently drafted.

The problems which we perceive with the language in the proposed bill all involve the constitutional permissibility of the delegation of legislative authority to an administrative agency, and the further delegation of legislative authority by that agency to a private organization. Under our Nebraska Constitution, the legislative power of the state is vested in the Legislature and cannot lawfully be delegated to any board or committee. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935). Moreover, the Legislature may not delegate to private individuals either legislative or judicial functions. Nickel v. School Board of Axtell, 157 Neb. 813, 61 N.W.2d 566 (1954). While the Legislature may not delegate its legislative authority to an administrative or executive agency, it does have power to authorize an administrative or executive agency to make rules and regulations to carry out an express legislative purpose or for the complete operation and enforcement of a law within designated limitations. In such proper grants of power to an administrative agency, the authority must be administered in accordance with adequate standards proscribed in the legislative act. School District No. 39 of Washington County v. Decker, 159 Neb. 693, 68 N.W.2d 354 (1955); Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974).

In the initial portion of the changes outlined in your proposed bill, the State Racing Commission is authorized to delegate the Commission's powers and duties with respect to establishing and maintaining a Nebraska Thoroughbred Registry to certain organizations. If the Commission's powers and duties regarding the Thoroughbred Registry are considered to be legislative functions, it appears to be constitutionally questionable under the cases cited above as to whether those powers can be delegated to a private organization. More importantly, it appears to us that the provisions of the proposed bill could be construed in such a way as to allow the private organization maintaining the Nebraska Thoroughbred Registry to set registration fees based upon its costs. Setting registration fees appears more definitively to be a legislative function, and while the State Racing Commission may well be able to set such fees given adequate legislative guidelines, it does not appear constitutionally permissible for that authority to be delegated to a private organization. In this regard, we also note that the guidelines for setting registration fees contained in the proposed legislation could be inadequate to avoid an unconstitutional delegation of legislative authority.

In summary, we have noted several problems with the draft of the proposed legislation all involving questions regarding the constitutionality of the delegation of legislative authority. Should you have any questions regarding our analysis or should you wish us to

review further drafts of proposed legislation regarding this problem, we would be most happy to review those matters at that time.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Dale A. Comer  
Assistant Attorney General

DAC:sjr  
cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 137  
August 31, 1981

Dear Senator Wagner:

In your letter of August 18, 1981, you suggest that there was a misunderstanding as to the exact question you raised in your previous request for an opinion dated July 10, 1981.

You suggest that the language of Neb.Rev.Stat. §21-17,133 (Reissue 1977) as amended in 1981 by LB 204 limits the amount of expenses paid to all members of the Board of Directors of the Nebraska Depository Institution Guarantee Association to the amount to which a state employee would be entitled and inquire as to our opinion of the constitutionality of such a limitation. In our previous correspondence to you we had construed this language to limit the reimbursement paid only to state employees who were also members of this Board. The language in question provides as is pertinent to your inquiry: ". . . with reimbursement for expenses to be made as provided in §§84-306.01 to 84-306.05 for state employees, . . ." If your interpretation is correct the words ". . . for state employees, . . ." are redundant in that the statutory provision cited immediately before this language apply only to state employees.

In any event, you inform us that it is your belief that the Legislature intended to limit a reimbursement paid to all board members of this corporation to the amount specified by the Nebraska statutes which pertain to reimbursement for expenses by state employees and inquire as to our opinion of the constitutionality of such a limitation. A corporation is an artificial person, created by and deriving its powers from the Nebraska Legislature. Nebraska Wheat Growers Association v. Smith, 115 Neb. 177, 212 N.W. 39 (1927).

Also in this regard the Nebraska Constitution provides that Article VII, Section 1 as is pertinent: "The Legislature shall provide by general for the organization, regulation, supervision and general

control of all corporations, . . .” At first blush, therefore it appears as though the Legislature has the power to provide by statute the manner in which corporations shall conduct their business.

Of concern to us, however, is the further provision of Article VII, Section 1 of the Nebraska Constitution which provides: “. . . No corporation shall be created by special law, . . .” and the language of Article III, Section 18 of the Constitution of the State of Nebraska which suggests that the Legislature shall not pass any local or special law in any of the following cases including the granting “. . . to any corporation, association or individual any special or exclusive privileges, . . . . In all other cases where a general law can be made applicable, no special law shall be enacted.”

The question would then become whether or not singling out this corporation for a limitation as to the amount its directors might receive in the way of reimbursement for expenses amounts to a “special law.”

The rationale underlying this constitutional prohibition was set out by the Nebraska Supreme Court in Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966) wherein it was stated:

“The legislature may legislate in regard to a class of persons, but they cannot take what may be termed a natural class of persons, split that class in two, and then arbitrarily designate the disserved fractions of the original unit as two classes, and enact different rules for the government of each.”

However, also see generally State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 495, 283 N.W.2d 12 (1979).

Therefore, while it appears clear that the Legislature does have the power to provide the manner in which corporations shall be organized most likely to include the manner in which directors for which corporations are compensated, it is not as clear whether or not our supreme court would consider this “special” legislation where it applies to a single corporation as is the case here. We therefore cannot state with any degree of certainty whether or not our supreme court would find this statutory provision constitutional. Compare Wittler v. Baumgartner, *supra*, with State ex rel. Douglas v. Nebraska Mortgage Finance Fund, *supra*.

We apologize for the misunderstanding as to your original inquiry and hope that the legal considerations set out above will be of value to you in determining whether or not you wish to propose an amendment.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Terry R. Schaaf

Assistant Attorney General

TRS:kkh

CC: Patrick O'Donnell  
Clerk of the Legislature

September 8, 1981

Dear Senator Hefner:

In your letter of August 27, 1981, you call to our attention the fact that some second class villages within the State of Nebraska have fallen below 800 inhabitants as a result of the last census and ask whether or not such second class villages must reorganize with a village form of government or whether they may remain organized as second class cities. You further inquire in the event it is our opinion that they must reorganize as villages, whether this can be accomplished under the existing statutes or whether legislation is needed.

Neb.Rev.Stat. §17-201 (Reissue 1977) provides that any incorporated municipal entity having a population of not less than 100 nor more than 800 inhabitants shall be structured as a village. Additionally, as you are aware, Neb.Rev.Stat. §17-101 (Reissue 1977) provides that incorporated municipal entities having a population of not less than 800 nor more than 5,000 shall be structured as second class cities. Because of the mandatory language of these sections, we would be of the opinion that any municipal entity having a population of less than 800 but more than 100 must be organized as a village.

In reaching this conclusion we are aware of Neb.Rev.Stat. §17-306 (Reissue 1977) which permits second class cities to retain the village form of government. There is however, no corresponding statutory provision which would permit a second class city whose population has fallen below 800 from electing to retain the second class city form of government.

As to whether or not legislation is needed, it may be that legislation could be enacted which would simplify such a transition in form of government or could provide options, we do not believe that legislation is necessary at this time to accomplish the necessary alteration in the form of any of these entities' city governments.

It would appear to us that upon the certification of the census, the form of government as a second class city is dissolved and it becomes necessary to reorganize the form of government consistent with the statutory population figures. This is not to imply that the corporate entity itself is dissolved, but merely the form of government under which that corporate entity has been operating is dissolved. We would further be of the opinion that the present city officers will hold over in



their positions until new officers are elected and assume office. See in this regard, State ex rel Mayor of David City v. Palmer, 10 Neb. 203, 4 N.W. 965, and Article XVII, Section 4 of the Constitution of the State of Nebraska. In the David City case, the change in government was mandated not by a change in population, but by a restructuring of the population figures by the Legislature.

Once the structure of the second class city form of government is considered to have been dissolved by operation of statute, it then follows that vacancies exist in these positions and it is then necessary to consider how these vacancies can be filled under a village form of government. In 1979 the Nebraska Legislature amended Neb.Rev.Stat. §32-4,152 (Supp. 1980), to provide for a special municipal election to be conducted by the Secretary of State where there is a vacancy in the offices of a majority of the members of a city council or village board. While this statutory provision was no doubt enacted to permit the calling of an election where one had not been conducted in many years to validate the existence of the officers, we see no reason why this same procedure could not be utilized to accomplish the calling of a special election to elect officers consistent with a village form of government.

Therefore, in conclusion we are of the opinion that any city of the second class whose population falls below 800 inhabitants, has its form of city government dissolved as an operation of law and must reorganize as a village and that such can be accomplished by the calling of a special election for that purpose by the Secretary of State pursuant to the statutory provisions set out above.

If we can be of any further assistance to you on this matter, please let us know.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Terry R. Schaaf  
Assistant Attorney General

(Signed)

TRS:ekj  
cc: Patrick O'Donnell

## REFERENCE COMMITTEE REPORT

Governor's Appointments - Reference

## LEGISLATIVE JOURNAL

**Miscellaneous Subjects**

Paul Galter, Racing Commission  
Tom Fitzgerald, Liquor Commission  
Bill Palmer, Liquor Commission  
Joan Nelson, Nebraska Arts Council  
Sam Davidson, Nebraska Arts Council  
William Fitzgerald, Nebraska Arts Council  
Cal Solem, Nebraska Arts Council  
Richard L. White, Nebraska Arts Council

**Public Works**

J. Michael Jess, Dept. of Water Resources

**Agriculture and Environment**

Bert Garvin, Dept. of Agriculture  
Patricia Hoffman, Environmental Control Council  
William Krejci, Environmental Control Council  
Homer Loutzenheiser, Environmental Control Council  
Don Crosier, Environmental Control Council  
Al Wood, Environmental Control Council  
Robert Parker, Environmental Control Council  
Vernon Pearson, Environmental Control Council  
Sylvia Wagner, Environmental Control Council  
Don Larson, Agricultural Products Utilization Committee  
Ralph O'Conner, Agricultural Products Utilization Committee  
Doris Royal, Agricultural Products Utilization Committee

**Banking, Commerce and Insurance**

Buck Balok, Nebraska Energy Office  
Herbert H. Davis, Jr., Advisory Committee to  
Dept. of Economic Development  
Max E. Kiburz, Advisory Committee to  
Dept. of Economic Development  
R. E. Burkley, Advisory Committee to  
Dept. of Economic Development  
John Egging, Advisory Committee to  
Dept. of Economic Development  
Rosemary Hannam, Advisory Committee to  
Dept. of Economic Development  
H. Don Sample, Advisory Committee to  
Dept. of Economic Development

**Business and Labor**

Harvey D. Davis, Commission of Industrial Relations

**Education**

Gene A. Moody, Board of Educational Lands and Funds

**Public Health and Welfare**  
Dr. Henry Smith, Department of Health

**Judiciary**  
Charles L. Benson, Dept. of Corrections

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 1 through 8.

Legislative Bills 1 through 6 were not referred and are being retained by the Reference Committee.

**LB      Committee**  
7      Judiciary  
8      General File

(Signed)      Howard Lamb, Chairperson  
                    Legislative Council Executive Board

**APPROPRIATION COMMITTEE AGENDA**

Room 1520 - State Capitol  
Monday November 2, 1981

9:00 - 9:45 Briefing on Governor's Recommended 1981-82 Budget Reductions/Deferrals — Don Leuenberger, State Budget Administrator.

9:45 - 10:30 Briefing on Department of Revenue's 1981-82 and 1982-83 Revenue Estimates — Fred Herrington, State Tax Commissioner.

10:30 - 12:00 Public and State Agency Testimony on 1981-82 Appropriations — Agency Numbers 03 through 50.

12:00 - 1:30 Lunch.

1:30 - 5:00 Continuation of Morning Testimony.

Tuesday, November 3, 1981

9:00 - 12:00 Public and State Agency Testimony on 1981-82 Appropriations — Agency Numbers 51 through 95.

12:00 - 1:30 Lunch.

1:30 - 5:00 Continuation of Morning Testimony.

EVENING Committee Executive Session.

Wednesday, November 4, 1981

9:00 Continuation of Committee Executive Session, if necessary.

(Signed) Jerome Warner, Chairperson  
Appropriations Committee

**NOTICE OF COMMITTEE HEARING**  
**Public Health and Welfare**

The Public Health and Welfare Committee will meet at 3:00 p.m. on Tuesday, November 3, 1981, in room 1019 for the purpose of hearing the appointment of:

Dr. Henry Smith

Department of Health

(Signed) Samuel K. Cullan, Chairperson

**UNANIMOUS CONSENT - Member Excused**

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

**MOTION - Rerefer LB 7**

Mr. Wesely moved to rerefer LB 7 to Public Health and Welfare from Judiciary.

Mr. Wesely moved for a Call of the House. The motion prevailed with 24 ayes, 7 nays, and 18 not voting.

The Wesely motion prevailed with 25 ayes, 16 nays, and 8 not voting.

The Chair declared the Call raised.

**NOTICE OF COMMITTEE HEARINGS**  
**Business and Labor**

The Business and Labor Committee will meet on Wednesday, November 4, at 1:00 p.m. for the purpose of hearing the appointment of Harvey D. Davis to the Commission of Industrial Relations. The hearing will be held in Room 1019 of the State Capitol.

(Signed) William E. Barrett  
Acting Chairperson

**Judiciary**

Governor Appointment: Charles Benson, Director Department of  
Corrections

Wednesday, November 4, 1981 1:30 p.m.

(Signed) William E. Nichol, Chairperson

**Public Health and Welfare**

LB 7 Tuesday, November 3, 1981 2:00 p.m.

(Signed) Sam Cullan, Chairperson

**ADJOURNMENT**

At 4:00 p.m., on a motion by Speaker Marvel, the Legislature  
adjourned until 10:00 a.m., Monday, November 2, 1981.

Patrick J. O'Donnell  
Clerk of the Legislature



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**SECOND DAY - NOVEMBER 2, 1981**  
**LEGISLATIVE JOURNAL**

**SECOND DAY - NOVEMBER 2, 1981**

**LEGISLATIVE JOURNAL**

**EIGHTY-SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, November 2, 1981

Pursuant to adjournment, the Legislature met at 10:05 a.m.,  
President Luedtke presiding.

**PRAYER**

The prayer was offered by Dr. Robert Palmer, Westminster  
Presbyterian Church, Lincoln, Nebraska.

**ROLL CALL**

The roll was called and all members were present except Messrs.  
Hoagland, V. Johnson, Kremer, Vickers, Von Minden, Wagner, and  
Mrs. Marsh who were excused; and Messrs. Barrett, Beutler, Cope,  
Cullan, Dworak, Fowler, Goodrich, L. Johnson, Newell, Rumery,  
Stoney, Warner, Mesdames Higgins, Labedz, Pirsch, and Miss  
Kilgarin who were excused until they arrive.

**UNANIMOUS CONSENT - Member Excused**

Mrs. Marsh asked unanimous consent to be excused during the  
existing special session.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the First Day was approved.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 141  
September 22, 1981

Dear Senator Chambers:

You have forwarded to us a copy of a document from the National  
Conference of State Legislatures, entitled "State Legislatures' Tax



Home Provision." You particularly direct our attention to that portion of the reproduced material which states: "The amendment made by subsection (a) shall apply to taxable years beginning on or after January 1, 1976." The particular matter to which you refer was adopted in 1981.

As we understand your question, it is whether LB 206, Eighty-Seventh Legislature, First Session, has retroactive effect. As you know, LB 206 purports to provide authority to allow the payment of necessary expenses incurred by legislators while in the performance of their official duties. You indicate that the United States Congress in the material referred to has provided for retroactive effect to certain tax changes. We would point out that the question is not pertinent to LB 206. That statute did not become effective until August of 1981. Its application applies solely to expenses incurred during sessions of the Legislature.

The Legislature was not in session on its effective date nor will the Legislature be in session after its effective date until this coming January. Therefore, there are no expenses to which it may apply at the current time. In order to have had earlier application, LB 206 would have had to have passed with the emergency clause or have had a provision similar to the federal act to which you referred us, specifically making it applicable prior to its effective date. Neither one of those events occurred.

Therefore, your question in regard to its retroactive application calls for speculation or conjecture as to the authority of the Legislature to take such action. Clearly, there was no statute in effect during the past legislative session which would have authorized claims for expenses by members of the Legislature. Past opinions of this office have held that such expenses were not proper. No question under LB 206 will arise unless and until a claim is made by a legislator for expenses incurred during a legislative session.

If you have any further questions in this regard, please feel free to contact us.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Patrick T. O'Brien  
Assistant Attorney General

(Signed)

PTO/cmb/t2

cc: Patrick J. O'Donnell  
Clerk of the Legislature

**REPORTS**

July 7, 1981

Patrick J. O'Donnell, Clerk  
Legislative Council  
Room 2018 - State Capitol  
Lincoln, Nebraska 68509

Dear Sir:

During the period April 1981 through June 1981, the Auditor of Public Accounts issued audits on the following agencies:

Military Department  
Nebraska State Racing Commission  
Department of Banking and Finance  
Nebraska Public Service Commission  
Department of Revenue  
Nebraska Game and Parks Commission  
Department of Economic Development  
Department of Labor  
Nebraska State Patrol  
Department of Roads

We are enclosing one copy of each audit to be filed in the Senators library.

(Signed) Sincerely,  
Ray A. C. Johnson  
Auditor of Public Accounts

RACJ/sg  
Encl.

October 15, 1981

Patrick J. O'Donnell  
Clerk of the Legislature  
Room 2018 - State Capitol  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Following is a listing of the audits released by this office for the quarter ending September 30, 1981.  
Crime Victim's Reparation Board

State Board of Nursing  
 Nebraska Supreme Court  
 Nebraska Commission on Law Enforcement  
 Nebraska State Patrol - Drug Control Fund  
 Nebraska Technical Community Colleges  
 Department of Justice  
 Department of Insurance  
 Department of Veteran's Affairs  
 Department of Public Institutions  
 Nebraska State Historical Society  
 Department of Motor Vehicles  
 Nebraska Brand Committee  
 Agricultural Prod. Inds. Utilization Committee  
 Nebraska Oil and Gas Conservation Commission  
 Department of Aeronautics  
 Nebraska Educational Television Commission  
 Lieutenant Governor  
 Nebraska Natural Resources Commission  
 Department of Correctional Services  
 These are for the Senator's Library.

Very truly yours,  
 (Signed) Ray A. C. Johnson  
 Auditor of Public Accounts

RACJ:bt

Reports from the State Building Division in compliance with section 81-1108.41 on Requests for Construction Contract approval for the following:

Former Elks Building for the Nebraska State Historical Society  
 Nebraska State Capitol Cafeteria, State Capitol, Lincoln, NE (1)  
 Nebraska State Capitol Cafeteria, State Capitol, Lincoln, NE (2)  
 Maintenance Building at Hartington, NE  
 Omaha Medium/Minimum Correctional Facility  
 Department of Labor - Safety Division  
 Maintenance Shop and Office Addition, Grand Island, NE (1)  
 Nebraska Informational Center Junction, Interstate 80/U.S.  
 73-75, Omaha, NE (1)  
 Canteen Building, Nebraska State Penitentiary, Lincoln, NE  
 Legislative Space Renovation, Elevator and Elevator Hoistway  
 and Stair at Nebraska State Capitol Building, Lincoln, NE  
 Maintenance Building at Hartington, NE (2)  
 Maintenance Shop and Office Addition at Grand Island, NE (2)

Nebraska Information Center Junction Interstate 80/U.S. 73-75,  
Omaha, NE (2)  
Lincoln Regional Center, Lincoln, NE

**NOTICE OF COMMITTEE HEARING**  
**Miscellaneous Subjects**

Governor's Appointments

Tuesday, November 3, 1981

2:00 p.m.

Bill Palmer, Liquor Control Commission

Tom Fitzgerald, Liquor Control Commission

Paul Galter, State Racing Commission

Joan Nelson, Nebraska Arts Council

Sam Davidson, Nebraska Arts Council

Richard L. White, Nebraska Arts Council

(Signed) Elroy Hefner, Chairperson

**ADJOURNMENT**

At 10:12 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, November 3, 1981.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRD DAY - NOVEMBER 3, 1981****LEGISLATIVE JOURNAL****EIGHTY-SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, November 3, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

**ROLL CALL**

The roll was called and all members were present except Messrs. V. Johnson, Koch, Sieck, Von Minden, and Mrs. Marsh who were excused; and Messrs. Barrett, Chambers, Cope, Dworak, Fowler, Goodrich, Hoagland, L. Johnson, Newell, Rumery, Stoney, Vickers, Warner, Wiitala, and Miss Kilgarin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Second Day was approved.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 144  
October 26, 1981

Dear Senator Hefner:

This is in response to your inquiry regarding the ownership of the statue of William Jennings Bryan which was once located on the north approach to the Capitol Building, and in 1967 was moved to its present location at Bryan Memorial Hospital, and the right, if any, of the Legislature to move the statue from its present location.

In order to determine the ownership of the statue a review of its history is necessary.

In 1941 the Legislature, by resolution, provided for the appointment of a memorial commission whose duty it would be to secure a suitable memorial to Bryan to be erected on the Capitol grounds at no expense to the state.

After World War II the commission engaged a sculptor to make a suitable statue of Bryan. With the approval of Governor Griswold the commission caused the construction of a footing for the statue near the north end of the walk leading to the steps rising to the north entrance of the Capitol, and prepared a dedicatory program to give the statue to the state on September 1, 1947.

As a result of objections to placing the statue on the Capitol grounds by many persons and organizations, in 1952 the commission entered into an agreement with Governor Val Peterson that without the state taking legal title to the statue the statue would be placed temporarily on the site provided for it in front of the north entrance to the Capitol, until another site became available in front of a State Historical Society building, or on a proposed parkway or plaza to be constructed by the city on 15th Street between K and L Streets.

The agreement also provided that:

Should neither the Historical Society or 15th Street plaza sites become available, then the Commission may remove the statue from the Capitol grounds and have it erected at any point in any city or state which the Commission thinks a suitable location, it being the intention of this agreement that the legal title to the statue does not pass to the State of Nebraska because it is temporarily erected on the walkway leading to the Capitol.

In 1953 the Legislature enacted Neb.Rev.Stat. §72-723 (Reissue 1976) which provides as follows: "All monuments and memorials now fixed to the building or the grounds of the State Capitol shall be regarded as permanent fixtures, and shall not be removed without the consent of the Legislature."

Insofar as the Bryan statue is concerned, it is our conclusion that the state did not acquire title to the statue by this legislation because, (1) it is contrary to the provisions of the contractual agreement of December 8, 1952, between the Commission and Governor Val Peterson; and (2) it being very clear that at the time of enactment of §72-723 if the title to the statue was in anyone, it was in the Memorial Commission, and therefore §72-723 would be contrary to the provisions of Article I, Section 21 of the Constitution of Nebraska, which provides: "The property of no person shall be taken or damaged for public use without just compensation therefor."

On April 13, 1967, the Legislature, by motion, consented "to the removal of the Bryan memorial statue so that it may be placed upon the grounds of the Bryan Memorial Foundation."

On June 17, 1967, the statue was moved from the Capitol grounds and placed in front of "Fairview", the Bryan family home, located on the grounds of Bryan Memorial Hospital.

We have been unable to find any record of any objection to the move of the statue by the Memorial Commission, or, for that matter, any record of the existence of the commission on or after January 3, 1967.

Since there appears to be no record of any objections to the removal of the statue to the Bryan Memorial Hospital grounds in 1967, and since the statue has remained there for more than ten years, it is our conclusion that in the absence of such a record to the contrary, the statue is the property of Bryan Memorial Hospital and cannot be removed therefrom without the consent of the Bryan Memorial Hospital Board of Directors.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Bernard L. Packett  
Assistant Attorney General

(Signed)

BLP:pjs

CC: Patrick O'Donnell  
Clerk of the Legislature

### REPORTS

Received statement of deposits reports from Department of Roads to the Highway Cash Fund and Roads Operation Cash Fund in compliance with Section 5(4) of Legislative Bill 722.

Report from Department of Banking and Finance pursuant to LB 557.

Report from Department of Personnel in accordance with State Statutes, Section 81-1337, in regard to the State Salary Survey.

Received copy of resolution from Nebraska Game and Parks Commission urging Congress to continue state-side funding of the Land and Water Conservation Fund.

Received copy of Senate Joint Resolution Number 19 from State of Montana pertaining to a balanced federal budget.

Report from Natural Resources Commission of policy issue study on selected water rights issues.

Report from Department of Agriculture in accordance with provisions of Section 24 of LB 487.

Report from State Treasurer in compliance with State Statute 84-605, of Certified Statement of Balances as of June 30, 1981.

Annual report from Nebraska Coordinating Council for the Handicapped.

Second quarter report from Nebraska Energy Office in accordance with provisions of Section 81-1606 RSN (1980).

Semi-annual report from Department of Environmental Control showing financial status of Program #518, Construction Grants Program in accordance with provisions of Section 81-1533.

Report from State Department of Personnel in compliance with State Statute, Section 81-1355 concerning status of state's hiring and maximum rates as of July 1, 1981.

Quarterly report from Department of Roads, Nebraska State Highway Commission of Financial Position and Operations.

Report of Department of Roads Fiscal Year 1982 Highway Construction and Improvement Program.

Reports from Nebraska Coordinating Commission for Postsecondary Education of detailed enrollments for year 1973 through 1980 and degrees and other formal awards from 1974-75 through 1979-80.

### **NOTICE OF COMMITTEE HEARING** **Agriculture and Environment**

Governor's Appointments

Thursday, November 5, 1981, Rm 1517

8:00 a.m.

Bert Garvin, Department of Agriculture

Patricia Hoffman, Environmental Control Council

William Krejci, Environmental Control Council

Homer Loutzenheiser, Environmental Control Council

Don Crosier, Environmental Control Council

Al Wood, Environmental Control Council

Vernon Pearson, Environmental Control Council

Sylvia Wagner, Environmental Control Council

Don Larson, Nebraska Gasohol Committee



Ralph O'Conner, Nebraska Gasohol Committee  
Doris Royal, Nebraska Gasohol Committee

(Signed) Loran Schmit, Chairperson

## **RESOLUTIONS**

### **LEGISLATIVE RESOLUTION 1.**

Introduced by Wiitala, 31st District.

WHEREAS, the Governor called the Legislature into special session to consider legislation relating to appropriations; and

WHEREAS, the Legislature in passing section 77-2715.01 provided that (1) the State Board of Equalization was to "set rates based on appropriations and the express obligations of the Legislature" and (2) the board's action was to "provide an adequate cash flow, the orderly implementation of the funding of acts as intended by the Legislature, and eliminate drastic fluctuations in the state sales and income tax rates"; and

WHEREAS, the Legislature carefully deliberated the appropriation measures it passed during the Eighty-seventh Legislature, First Session; and

WHEREAS, the State Board of Equalization when it met in June of 1981 erred in reducing the tax rates by not giving adequate consideration to all the available revenue data; and

WHEREAS, the State Board of Equalization, which is to meet November 12, has the duty under section 77-2715.01 to correct its previous error.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature's appropriation committee provide to the State Board of Equalization a summary of the information presented to it at the special hearings it conducted on the Governor's Recommended 1981-82 Budget Reductions/Deferrals.

2. That the Legislature has fulfilled its constitutional obligations and responsibilities and the responsibility is now on the State Board of Equalization to perform its mandated duties.

Laid over.

### **LEGISLATIVE RESOLUTION 2.**

Introduced by Landis, 46th District.

WHEREAS, the Legislature of the State of Nebraska first named a Poet Laureate of Nebraska in 1923; and

WHEREAS, the position of Poet Laureate was held with distinction and honor by John G. Neihardt until his death in 1973; and

WHEREAS, the position of Poet Laureate of Nebraska is currently vacant; and

WHEREAS, it is to the benefit of the State of Nebraska to have a Poet Laureate, an honorary position that recognizes a person who can creatively portray the beauty and dignity of Nebraska, its citizens, its history, and its culture through the written word, and who will serve as the literary representative of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That an open search be held to determine whether a Poet Laureate of Nebraska should be named;

2. That the Nebraska Committee for the Humanities prepare and oversee a selection process designed to identify possible candidates and make recommendations to the Legislature and the Governor.

3. That the Nebraska Committee for the Humanities work jointly with the Governor and the Executive Board of the Nebraska Legislature during the selection process.

Laid over.

### ADJOURNMENT

At 9:22 a.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Wednesday, November 4, 1981.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTH DAY - NOVEMBER 4, 1981****LEGISLATIVE JOURNAL****EIGHTY-SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, November 4, 1981

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh who was excused; and Miss Kilgarin, Messrs. Dworak, Fowler, and Newell who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Third Day was approved.

**REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of November 3, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Altic, Fred R. - Omaha, (Withdrawn 3/1/81), Nebraska State Lodge  
Fraternal Order of Police  
Bosworth, Donald A. - Omaha, (Withdrawn 6/1/81), Blue  
Cross/Blue Shield

Carstenson, Eric B. - Lincoln, Lincoln Chamber of Commerce  
Doyle, Thomas D. - Omaha, (Withdrawn 6/30/81), Nebraska Pawnbrokers' Association  
Eickhoff, Donald - Alvo, (Deceased), Veterans of Foreign Wars  
Gottschalk, Frederic - Lincoln, (Withdrawn 6/19/81), Security Mutual Life Insurance Company  
Heineman, Dave - Lincoln, (Withdrawn 8/8/81), Nebraska Republican Party  
Jeffries, Kathleen T. - Omaha, Junior Leagues of Nebraska State Public Affairs Committee  
Jennings, Warren E. - Lincoln, Farmers Mutual Insurance Company of Nebraska  
Kaldahl, Phil - Bellevue, (Withdrawn 5/30/81), Bellevue Public Schools  
Lewis, Wineland, Lewis:  
    Lewis, Frank - Bellevue, Lakeview School District #2-R; Northwest School District #82  
Lewis, Rudy - Bellevue, Lewis, Wineland, Lewis  
Lombardi, Richard - Lincoln, (Withdrawn 7/10/81), Association of Nebraska Community Action Agencies; Grand Island Policeman's Union; Lincoln Police Union; Nebraska Correctional Officers Union; Nebraskans Against the Death Penalty; North Platte Police Union; Scottsbluff Police Union; State Troopers Association of Nebraska  
McNally, Timothy J. - Lincoln, Nebraska Association of Homes for the Aging  
Mehmken, Roy E. - Lincoln, Dr. Jerry Burkey, D.V.M. (Withdrawn 6/17/81); High Plains Development; Nebraska Recreational Detectors Association; Nebraska Well Drillers Association (Withdrawn 9/8/81)  
Mihovk, Donald J. - Lincoln, (Withdrawn 5/28/81), Lincoln Chamber of Commerce  
Millard, Herbert C. - Omaha, (Withdrawn 3/31/81), Mechanical Contractors Association of Omaha, Inc.  
Mohatt, Earl A. - Omaha, (Withdrawn 3/1/81), Nebraska State Lodge Fraternal Order of Police  
Nielsen, Nancy A. - Omaha, Junior League of Omaha  
Norris, Richard G. Shawnee Mission, KS, (Withdrawn 6/1/81), Standard Oil Company  
O'Hara, Paul V. - Lincoln, Nebraska Dental Association  
Payne, Dale L. - Papillion, (Withdrawn 7/1/81), Sarpy County Board of Commissioners  
Perales, Rudy - Lincoln, Nebraska Association of Community Action Agencies

Peters, William E. - Lincoln, Nebraska Petroleum Marketers, Inc.  
Primeau, Lawrence S. - Omaha, (Withdrawn 10/1/81), Distilled  
Spirits Council of the United States  
Rasmussen, Delmar L. - Lincoln, (Withdrawn 7/1/81), O'Hara and  
Associates, Inc.  
Short, Frank H. - Lincoln, Veterans of Foreign Wars  
Tews & Radcliffe:  
Radcliffe, Walter H. - Lincoln, Nebraska Messenger Service  
Association

### ATTORNEY GENERAL'S OPINION

Opinion No. 145  
November 2, 1981

Dear Senator Wesely:

You have asked this office whether "the legislative rule limiting consideration of bills during the special session to bills introduced at the request of the Governor" is "an unconstitutional abridgment of the rights of those senators who wish to introduce legislation within the limits of the Governor's proclamation."

Article III, Section 10, of the Nebraska Constitutions states in part that "the Legislature shall determine the rules of its proceedings. . . ." Under this provision the Legislature has complete authority to determine the rules of its own proceedings "in the absence of constitutional restraints." State ex rel. Johnson v. Hagemeister, 161 Neb. 475, 73 N.W.2d 625 (1955).

The amendment of this legislative rule appears to be within the scope of that authority. The nature of the limitation on bills to be considered in this special session appears to be unimportant as long as the Legislature has properly amended its own rules. This limitation was self-imposed by the Legislature and not by the Governor.

We are likewise unaware of any constitutional restraints which this amended rule would violate. Thus, it appears that this amendment to the legislative rules is proper and completely within the constitutional authority of the Legislature.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) John Boehm  
Assistant Attorney General

JB:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

## GENERAL FILE

## LEGISLATIVE BILL 8. Title read. Considered.

Mr. Warner offered the following amendment:

On page 70, in line 15, strike “570 - Administration” and insert “~~570 - Administration~~ 571 - Commission on Aging” and on page 132, in line 20, strike “574 - Aid to Aged” and insert “~~574 - Aid to Aged~~ 571 - Commission on Aging”. Strike section 62. On page 146, in line 9, strike “seventeen” and insert “eight”, in line 10, strike “five hundred fifty-nine” and insert “nine hundred one”. On page 34, in line 10, strike “15,011,580” and insert “16,081,580”, in line 11 strike “6,468,212” and insert “~~6,468,212~~ 5,398,212”, in line 22, strike “3,907,345” and insert “4,537,345”, in line 23, strike “2,193,000” and insert “~~2,193,000~~ 1,563,000”. On page 35, in line 7, strike “3,077,336” and insert “3,377,336”, in line 8, strike “8,502,730” and insert “~~8,502,730~~ 8,202,730”, in line 17, strike “26,190,264”, and insert “~~28,190,264~~”, in line 18, strike “17,213,942” and insert “~~17,213,942~~ 15,213,942”. Strike sections 50, 76, 77, 79, 80, 81, 85, 87, 88, 90, 91, 92, 93, 94. On page 142, in line 24, reinstate the stricken matter. On page 143, in line 11, reinstate the stricken matter. On page 138, in line 22, strike “848,931” and insert “3,303,377”, in lines 23 and 24, strike “\$1,896,188 from the Nebraska Capital Construction Fund”, in line 24, strike “1,058,258” and insert “500,000”. Add the following new section:

“That Laws 1981, LB 561, section 6, be amended to read as follows:

Sec. 6. Agency No. 16 - Department of Revenue

Program No. 108 - Reimbursements to Local Governments

GENERAL FUND	27,500,000
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	26,555,000
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PROGRAM TOTAL	27,500,000
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	26,555,000
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The unexpended General Fund balance existing on June 30, 1981, is hereby reappropriated in an amount not to exceed \$4,000,000, which amount is in addition to the amount shown.”

Mr. H. Peterson moved the previous question. The question is, “Shall the debate now close?” The motion lost with 23 ayes, 17 nays, and 9 not voting.

Mr. Warner requested a record vote on his amendment.

Voting in the affirmative, 13:

Carsten	Hefner	Kremer	Rumery	Warner
Cope	Kahle	Lamb	Vickers	
Cullan	Koch	Nichol	Wagner	

Voting in the negative, 33:

Apking	DeCamp	Higgins	Marvel	Sieck
Barrett	Duda	Hoagland	Newell	Stoney
Beutler	Fenger	Johnson, L.	Peterson, H.	Von Minden
Beyer	Fowler	Johnson, V.	Peterson, R.	Wesely
Chambers	Goll	Kilgarin	Pirsch	Wiitala
Chronister	Goodrich	Labeledz	Remmers	
Clark	Haberman	Landis	Schmit	

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Dworak      Marsh

The Warner amendment lost with 13 ayes, 33 nays, 1 present and not voting, and 2 excused and not voting.

Messrs. Wesely, Beutler, and Landis offered the following amendment:

- 1      1. On page 3, lines 6 and 8, strike the new
- 2      matter and insert "1,398,456"; in lines 14 and 16 strike
- 3      the new matter and insert "1,027,188"; and in line 27
- 4      strike the new matter and insert "1,313,171".
- 5      2. On page 4, line 2 strike the new matter and
- 6      insert "1,313,171"; in lines 17 and 19, strike the new
- 7      matter and insert "650,986"; and in line 26 strike the
- 8      new matter and insert "193,608".
- 9      3. On page 5, line 1, strike the new matter
- 10     and insert "193,608"; in lines 11 and 13, strike the
- 11     new matter and insert "133,001"; and in lines 20 and 22
- 12     strike the new matter and insert "565,479".
- 13     4. On page 6, lines 6 and 8, strike the new
- 14     matter and insert "5,281,889"; in lines 14 and 16 strike
- 15     the new matter and insert "246,004"; and in line 26
- 16     strike the new matter and insert "22,948".
- 17     5. On page 7, line 1, strike the new matter and
- 18     insert "22,948"; and in lines 20 and 22 strike the new
- 19     matter and insert "202,874".
- 20     6. On page 8, lines 2 and 4, strike the new
- 21     matter and insert "166,237"; in line 18 strike the new

22 matter and insert "197,278"; and in line 21 strike the  
23 new matter and insert "617,457".

24 7. On page 9, lines 1 and 3, strike the new  
25 matter and insert "103,025"; in line 10 strike the new  
26 matter and insert "665,419"; in line 14 strike the new  
27 matter and insert "1,102,694"; and in lines 22 and 24  
1 strike the new matter and insert "50,393".

2 8. On page 10, lines 4 and 6, strike the new  
3 matter and insert "1,407,784"; in line 19 strike the new  
4 matter and insert "1,458,177"; and in line 22 strike the  
5 new matter and insert "1,662,336".

6 9. On page 11, line 5, strike the new matter and  
7 insert "961,809"; in line 8 strike the new matter and  
8 insert "993,809"; in lines 14 and 16 strike the new  
9 matter and insert "62,258"; in line 23 strike the new  
10 matter and insert "1,024,067"; and in line 26 strike the  
11 new matter and insert "1,056,067".

12 10. On page 12, lines 6 and 8, strike the new  
13 matter and insert "201,345"; in line 21 strike the new  
14 matter and insert "201,345"; and in line 24 strike the  
15 new matter and insert "325,582".

16 11. On page 13, lines 6 and 8, strike the new  
17 matter and insert "14,296"; in lines 14 and 16 strike the  
18 new matter and insert "1,173,786"; and in lines 23  
19 and 25 strike the new matter and insert "1,188,082".

20 12. On page 14, lines 8 and 10, strike the new  
21 matter and insert "12,193"; in lines 16 and 18, strike  
22 the new matter and insert "248,363"; and in lines 25  
23 and 27 strike the new matter and insert "260,556".

24 13. On page 15, line 6, strike the new matter  
25 and insert "415,920"; and in line 9 strike the new matter  
26 and insert "515,920".

27 14. On page 16, line 4, strike the new matter  
1 and insert "836,659"; in line 9 strike the new matter and  
2 insert "1,521,079"; in line 23 strike the new matter and  
3 insert "32,218"; and in line 26 strike the new matter and  
4 insert "112,352".

5 15. On page 17, line 7, strike the new matter  
6 and insert "374,093"; in line 11 strike the new matter  
7 and insert "648,992"; in line 20 strike the new matter  
8 and insert "297,574"; and in line 23 strike the new  
9 matter and insert "314,074".

10 16. On page 18, lines 4 and 6, strike the new  
11 matter and insert "38,275"; in line 12 strike the new  
12 matter and insert "609,862"; and in line 16 strike the  
13 new matter and insert "1,321,459".

14 17. On page 19, line 6, strike the new matter and  
15 insert "41,515"; in line 9 strike the new matter and insert  
16 "178,438"; in line 15 strike the new matter and insert  
17 "430,477"; and in line 18 strike the new matter and



18 insert "956,945".

19 18. On page 20, line 7, strike the new matter  
20 and insert "1,238,584"; in line 11 strike the new matter  
21 and insert "4,378,343"; and in line 25 strike the new  
22 matter and insert "1,579,895".

23 19. On page 21, line 2, strike the new matter  
24 and insert "2,014,602"; in line 9 strike the new matter  
25 and insert "798,830"; in line 13 strike the new matter  
26 and insert "949,868"; in line 20 strike the new matter  
27 and insert "711,737"; and in line 24 strike the new matter  
1 and insert "2,325,292".

2 20. On page 22, line 20, strike the new matter  
3 and insert "718,825"; and in line 23 strike the new matter  
4 and insert "758,825".

5 21. On page 23, line 13, strike the new matter  
6 and insert "7,708,542"; in line 18 strike the new matter  
7 and insert "16,858,060"; in line 24 strike the new matter  
8 and insert "7,611,789"; and in line 27 strike the new  
9 matter and insert "7,840,389".

10 22. On page 24, line 7, strike the new matter and  
11 insert "1,268,841"; in line 10 strike the new matter and  
12 insert "1,874,222"; in line 17 strike the new matter and  
13 insert "8,880,630"; and in line 21 strike the new matter and  
14 and insert "9,714,611".

15 23. On page 25, line 1, strike the new matter  
16 and insert "785,707"; in line 5 strike the new matter and  
17 insert "1,976,648"; in line 15 strike the new matter and  
18 insert "4,036"; and in line 18 strike the new matter and  
19 insert "820,840".

20 24. On page 26, line 3, strike the new matter  
21 and insert "1,012,951"; in line 7 strike the new matter  
22 and insert "3,013,649"; in line 13 strike the new matter  
23 and insert "54,726"; in line 16 strike the new matter and  
24 insert "187,374"; and in lines 23 and 25 strike the new  
25 matter and insert "304,033".

26 25. On page 27, line 5, strike the new matter and  
27 insert "901,543"; in line 9 strike the new matter and insert  
1 "2,307,744"; in line 16 strike the new matter and insert  
2 "3,062,996"; in line 20 strike the new matter and insert  
3 "8,610,288"; and in line 27 strike the new matter and insert  
4 "165,352".

5 26. On page 28, line 4, strike the new matter and  
6 insert "1,031,376"; in line 17 strike the new matter and  
7 insert "165,352"; and in line 21 strike the new matter  
8 and insert "1,281,571".

9 27. On page 29, line 24, strike the new matter  
10 and insert "377,774"; and in line 27 strike the new matter  
11 and insert "565,106".

12 28. On page 30, line 10, strike the new matter  
13 and insert "377,774"; in line 14 strike the new matter

14 and insert "28,634,594"; and in line 26 strike the new  
15 matter and insert "318,992".

16 29. On page 31, line 1, strike the new matter  
17 and insert "318,992"; in line 8 strike the new matter and  
18 insert "2,944,941"; in line 11 strike the new matter  
19 and insert "4,409,072"; in lines 22 and 24 strike the new  
20 matter and insert "758,804"; and in line 27 strike the  
21 new matter and insert "43,338".

22 30. On page 32, line 4, strike the new matter  
23 and insert "690,283"; in line 11 strike the new matter  
24 and insert "4,066,075"; in line 15 strike the new matter  
25 and insert "6,177,151"; in line 22 strike the new matter  
26 and insert "2,462,776"; and in line 25 strike the new  
27 matter and insert "2,739,615".

1 31. On page 33, line 27, strike the new matter  
2 and insert "184,453".

3 32. On page 34, line 4, strike the new matter and  
4 insert "1,066,625"; in line 10 strike the new matter and  
5 insert "15,905,348"; in line 14 strike the new matter and  
6 insert "25,228,183"; in line 22 strike the new matter and  
7 insert "4,660,679"; and in line 27 strike the new matter  
8 and insert "16,742,179".

9 33. On page 35, line 7, strike the new matter and  
10 insert "3,277,336"; in line 10 strike the new matter and  
11 insert "11,780,066"; in line 17 strike the new matter and  
12 insert "28,090,592"; and in line 21 strike the new matter  
13 and insert "59,156,668".

14 34. On page 36, line 2, strike the new matter and  
15 insert "4,749,424"; in line 5 strike the new matter and  
16 insert "13,224,777"; and in lines 17 and 19 strike the  
17 new matter and insert "501,137".

18 35. On page 37, line 6, strike the new matter and  
19 insert "2,924,611"; in line 10 strike the new matter and  
20 insert "3,042,866"; in line 16 strike the new matter and  
21 insert "11,268"; in line 19 strike the new matter and insert  
22 "100,309"; and in line 26 strike the new matter and insert  
23 "8,185,440".

24 36. On page 38, line 3 strike the new matter and  
25 insert "16,869,089".

26 37. On page 39, line 12, strike the new matter  
27 and insert "109,653"; and in line 15 strike the new matter  
1 and insert "547,623".

2 38. On page 41, line 8, strike the new matter and  
3 insert "109,653"; in line 13 strike the new matter and  
4 insert "216,849,786"; and in lines 21 and 23 strike the  
5 new matter and insert "28,104".

6 39. On page 42, line 2, strike the new matter and  
7 insert "1,326,100"; in line 5 strike the new matter and  
8 insert "1,339,200"; in line 12 strike the new matter and  
9 insert "1,354,204"; and in line 15 strike the new matter

10 and insert "1,367,304".

11 40. On page 44, lines 18 and 20 strike the new  
12 matter and insert "8,353".

13 41. On page 45, line 22, strike the new matter  
14 and insert "161,975"; and in line 25 strike the new matter  
15 and insert "1,714,200".

16 42. On page 46, line 11, strike the new matter  
17 and insert "1,075,110"; in line 14 strike the new matter  
18 and insert "7,312,649"; in line 20 strike the new matter  
19 and insert "394,908"; and in line 23 strike the new matter  
20 and insert "1,849,938".

21 43. On page 47, line 7, strike the new matter and  
22 insert "2,333,703"; in line 10 strike the new matter and  
23 insert "4,610,288"; in line 20 strike the new matter and  
24 insert "320,814"; and in line 23 strike the new matter  
25 and insert "422,140".

26 44. On page 48, line 4, strike the new matter and  
27 insert "1,807,328"; in line 7 strike the new matter and  
1 insert "2,652,920"; in line 11 strike the new matter and  
2 insert "5,921,863"; and in line 22 strike the new matter  
3 and insert "17,616,557".

4 45. On page 49, line 3, strike the new matter  
5 and insert "59,076"; in line 6 strike the new matter and  
6 insert "109,911"; in line 12 strike the new matter and  
7 insert "835,071"; in line 16 strike the new matter and  
8 insert "979,042"; in line 23 strike the new matter and  
9 insert "211,426"; and in line 26 strike the new matter and  
10 insert "229,266".

11 46. On page 50, line 6, strike the new matter and  
12 insert "89,653"; in line 10 strike the new matter and  
13 insert "362,450"; in line 20 strike the new matter and  
14 insert "1,195,226"; and in line 24 strike the new matter  
15 and insert "1,680,669".

16 47. On page 51, in lines 5 and 7 strike the new  
17 matter and insert "803,653"; in lines 14 and 16 strike the  
18 new matter and insert "47,040"; and in lines 23 and 25  
19 strike the new matter and insert "850,693".

20 48. On page 52, line 6, strike the new matter and  
21 insert "541,236"; in line 9 strike the new matter and  
22 insert "595,002"; and in lines 19 and 21 strike the new  
23 matter and insert "185,421".

24 49. On page 53, line 5, strike the new matter and  
25 insert "3,831,633"; and in line 8 strike the new matter  
26 and insert "3,861,633".

27 50. On page 54, in lines 10 and 12 strike the new  
1 matter and insert "84,360"; and in lines 25 and 27 strike  
2 the new matter and insert "98,360".

3 51. On page 55, in lines 8 and 10 strike the new  
4 matter and insert "1,693"; in lines 14 and 16 strike the  
5 new matter and insert "1,211"; in lines 20 and 22 strike the

- 6 new matter and insert "2,980"; and in line 26 strike the  
7 new matter and insert "1,272".
- 8 52. On page 56, line 1, strike the new matter and  
9 insert "1,272"; in lines 5 and 7 strike the new matter  
10 and insert "2,297"; in lines 11 and 13 strike the new matter  
11 and insert "950"; in lines 17 and 19 strike the new matter  
12 and insert "2,534"; and in lines 23 and 25 strike the new  
13 matter and insert "12,937".
- 14 53. On page 57, in lines 6 and 8 strike the new  
15 matter and insert "311,340"; and in lines 21 and 23 strike  
16 the new matter and insert "78,149".
- 17 54. On page 58, line 3, strike the new matter and  
18 insert "907,498"; in line 7 strike the new matter and insert  
19 "1,101,270"; in line 20 strike the new matter and insert  
20 "8,229"; and in line 23 strike the new matter and insert  
21 "17,229".
- 22 55. On page 59, in lines 3 and 5 strike the new  
23 matter and insert "6,187"; in line 11 strike the new  
24 matter and insert "1,719,669"; in line 15 strike the new  
25 matter and insert "1,962,214"; and in lines 23 and 25  
26 strike the new matter and insert "227,882".
- 27 56. On page 60, in lines 5 and 7 strike the new  
1 matter and insert "37,418"; in lines 13 and 15 strike the  
2 new matter and insert "34,488"; and in lines 21 and 23  
3 strike the new matter and insert "138,600".
- 4 57. On page 61, in lines 4 and 6, strike the new  
5 matter and insert "444,088"; in line 13 strike the new  
6 matter and insert "964,095"; and in line 17 strike the  
7 new matter and insert "1,314,395".
- 8 58. On page 62, line 2, strike the new matter and  
9 insert "1,846,571"; in line 6 strike the new matter and  
10 insert "2,196,871"; in line 16 strike the new matter and  
11 insert "6,091,223"; in line 19 strike the new matter and  
12 insert "6,106,223"; and in line 25 strike the new matter  
13 and insert "2,874,014".
- 14 59. On page 63, line 1, strike the new matter and  
15 insert "2,974,014"; and in lines 22 and 24 strike the new  
16 matter and insert "7,135,428".
- 17 60. On page 64, line 4, strike the new matter and  
18 insert "16,100,665"; in line 8 strike the new matter and  
19 insert "16,215,665"; in lines 16 and 18 strike the new  
20 matter and insert "108,806"; in line 24 strike the new  
21 matter and insert "309,840"; and in line 27 strike the new  
22 matter and insert "5,888,189".
- 23 61. On page 65, line 17, strike the new matter  
24 and insert "34,650"; and in line 21 strike the new matter  
25 and insert "10,239,235".
- 26 62. On page 66, in lines 16 and 18 strike the new  
27 matter and insert "385,134"; and in line 26 strike the new  
28 matter and insert "1,461,432".

1 63. On page 67, line 3, strike the new matter and  
2 insert "4,203,522"; in line 14 strike the new matter and  
3 insert "1,439,161"; and in line 17 strike the new matter  
4 and insert "1,565,505".

5 64. On page 68, in lines 11 and 13 strike the new  
6 matter and insert "231,537"; in line 19 strike the new  
7 matter and insert "3,970,557"; and in line 24 strike the  
8 new matter and insert "36,059,905".

9 65. On page 69, line 6, strike the new matter  
10 and insert "578,416"; in line 9 strike the new matter and  
11 insert "789,448"; and in lines 20 and 22 strike the new  
12 matter and insert "201,013".

13 66. On page 70, line 3, strike the new matter  
14 and insert "216,193"; in line 7 strike the new matter and  
15 insert "282,428"; in line 17 strike the new matter and  
16 insert "203,855"; and in line 21 strike the new matter  
17 and insert "697,053".

18 67. On page 71, line 6, strike the new matter and  
19 insert "165,335"; in line 9 strike the new matter and  
20 insert "175,527"; in line 15 strike the new matter and  
21 insert "2,103,686"; and in line 19 strike the new matter  
22 and insert "3,225,407".

23 68. On page 72, line 12, strike the new matter  
24 and insert "2,269,020"; in line 16 strike the new matter  
25 and insert "4,199,001"; and in lines 23 and 25 strike the  
26 new matter and insert "222,231".

27 69. On page 73, in lines 9 and 11 strike the new  
1 matter and insert "174,287"; in line 21 strike the new  
2 matter and insert "226,628"; and in line 24 strike the  
3 new matter and insert "328,037".

4 70. On page 74, line 12, strike the new matter and  
5 insert "226,628"; and in line 16 strike the new matter  
6 and insert "957,759".

7 71. On page 75, line 26, strike the new matter  
8 and insert "568,194".

9 72. On page 76, line 1, strike the new matter  
10 and insert "568,194"; in lines 14 and 16 strike the new  
11 matter and insert "71,723"; in line 23 strike the new  
12 matter and insert "639,916"; and in line 27 strike the  
13 new matter and insert "1,196,318".

14 73. On page 77, line 7, strike the new matter  
15 and insert "185,066"; and in line 11 strike the new matter  
16 and insert "911,214".

17 74. On page 78, in lines 3 and 5 strike the new  
18 matter and insert "181,702".

19 75. On page 79, line 5, strike the new matter  
20 and insert "877,546"; in line 9 strike the new matter  
21 and insert "2,263,610"; in line 20 strike the new matter  
22 and insert "8,489"; and in line 23 strike the new matter  
23 and insert "445,520".

24 76. On page 80, line 8, strike the new matter  
25 and insert "5,611,304"; in line 11 strike the new matter  
26 and insert "6,048,335"; and in lines 19 and 21 strike the  
27 new matter and insert "130,223".

1 77. On page 81, in lines 10 and 12 strike the  
2 new matter and insert "156,900"; in lines 19 and 21  
3 strike the new matter and insert "76,621" and in line 27  
4 strike the new matter and insert "560,331".

5 78. On page 82, line 3, strike the new matter and  
6 insert "1,165,388".

7 79. On page 85, line 10, strike the new matter  
8 and insert "636,952"; and in line 13 strike the new matter  
9 and insert "1,242,009".

10 80. On page 86, line 23, strike the new matter  
11 and insert "135,869"; and in line 26 strike the new matter  
12 and insert "213,758".

13 81. On page 87, line 24, strike the new matter  
14 and insert "135,869"; and in line 27 strike the new matter  
15 and insert "952,758".

16 82. On page 88, in lines 7 and 9 strike the new  
17 matter and insert "178,988".

18 83. On page 90, line 13, strike the new matter  
19 and insert "2,635,564"; in line 18 strike the new matter  
20 and insert "3,418,022"; and in line 26 strike "118,714"  
21 and insert "121,162".

22 84. On page 91, line 1, strike "145,244" and  
23 insert "147,692"; in line 15 strike the new matter and  
24 insert "2,466,487"; in line 19 strike the new matter and  
25 insert "3,052,969"; in line 22 strike the new matter and  
26 insert "40,790"; and in line 26 strike the new matter and  
27 insert "67,407".

1 85. On page 92, line 2, strike the new matter  
2 and insert "7,125"; in line 6 strike the new matter and  
3 insert "149,954"; in line 10 strike the new matter and  
4 insert "976,703"; in line 14 strike the new matter and  
5 insert "2,668,097"; in line 22 strike the new matter and  
6 insert "655,441"; and in line 26 strike the new matter  
7 and insert "779,932".

8 86. On page 93, line 2, strike the new matter  
9 and insert "324,262"; in line 6 strike the new matter and  
10 insert "552,785"; in line 13 strike the new matter and  
11 insert "1,404,423"; in line 16 strike the new matter and  
12 insert "1,726,329"; in line 24 strike the new matter and  
13 insert "638,227"; and in line 27 strike the new matter  
14 and insert "831,790".

15 87. On page 94, line 3, strike the new matter  
16 and insert "766,197"; in line 6 strike the new matter and  
17 insert "894,540"; in line 22 strike the new matter and  
18 insert "5,016,690"; and in line 27 strike the new matter  
19 and insert "8,316,557".

- 20 88. On page 95, line 16, strike the new matter  
21 and insert "5,854,266"; and in line 21 strike the new  
22 matter and insert "8,536,858".
- 23 89. On page 96, line 3 strike the new matter and  
24 insert "5,693,760"; in line 7 strike the new matter and  
25 insert "7,860,316"; in line 10 strike the new matter and  
26 insert "78,595"; in line 14 strike the new matter and  
27 insert "220,876"; in line 17 strike the new matter and  
1 insert "14,591"; in line 21 strike the new matter and  
2 insert "378,346"; in line 23 strike "65,960" and insert  
3 "67,320"; and in line 25 strike "75,960" and insert "77,320".
- 4 90. On page 97, line 5, strike the new matter and  
5 insert "1,562,974"; in line 9 strike the new matter and  
6 insert "5,401,749"; in line 17 strike the new matter and  
7 insert "1,084,757"; in line 21 strike the new matter and  
8 insert "1,529,740"; in line 24 strike the new matter and  
9 insert "478,217"; and in line 27 strike the new matter  
10 and insert "967,332".
- 11 91. On page 98, line 7, strike the new matter  
12 and insert "1,663,076"; in line 10 strike the new matter  
13 and insert "2,614,165"; in line 18 strike the new matter  
14 and insert "621,927"; in line 21 strike the new matter and  
15 insert "1,191,956"; in line 24 strike the new matter and  
16 insert "1,041,149"; and in line 27 strike the new matter  
17 and insert "1,422,209".
- 18 92. On page 99, line 17, strike the new matter  
19 and insert "9,080,316"; and in line 22 strike the new  
20 matter and insert "17,954,010".
- 21 93. On page 100, line 19, strike the new matter  
22 and insert "1,249,686"; and in line 24 strike the new  
23 matter and insert "1,441,274".
- 1 94. On page 101, line 5, strike "93,192" and  
2 insert "95,113"; in line 7 strike "104,336" and insert  
3 "106,257"; in line 21 strike the new matter and insert  
4 "1,120,839"; and in line 25 strike the new matter and  
5 insert "1,265,783".
- 6 95. On page 102, line 1, strike the new matter  
7 and insert "8,433"; in line 5 strike the new matter and  
8 insert "11,707"; in line 8 strike the new matter and insert  
9 "25,281"; in line 12 strike the new matter and insert  
10 "57,527"; in line 16 strike the new matter and insert  
11 "544,072"; and strike the new matter in line 20 and insert  
12 "1,397,274".
- 13 96. On page 103, strike the new matter in line 1  
14 and insert "299,069"; in line 5 strike the new matter  
15 and insert "365,088"; in line 8 strike the new matter and  
16 insert "245,003"; in line 11 strike the new matter and  
17 insert "336,165"; in line 18 strike the new matter and  
18 insert "1,060,980"; and in line 21 strike the new matter and  
19 insert "1,279,720".

- 1 97. On page 104, line 2, strike the new matter  
2 and insert "449,964"; in line 5 strike the new matter and  
3 insert "659,577"; in line 8 strike the new matter and  
4 insert "611,016"; in line 11 strike the new matter and  
5 insert "620,143"; and in line 27 strike the new matter  
6 and insert "2,854,738".
- 7 98. On page 105, line 5, strike the new matter  
8 and insert "4,329,949".
- 9 99. On page 106, line 2, strike the new matter  
10 and insert "2,683,057"; in line 7 strike the new matter  
11 and insert "3,463,598"; in line 15 strike "129,499" and  
12 insert "132,169"; and in line 17 strike "176,222" and  
13 insert "178,892".
- 14 100. On page 107, line 4, strike the new matter  
15 and insert "2,528,154"; in line 8 strike the new matter  
16 and insert "3,225,817"; in line 11 strike the new matter  
17 and insert "22,734"; in line 14 strike the new matter and  
18 insert "27,827"; in line 21 strike the new matter and insert  
19 "865,722"; and in line 25 strike the new matter and insert  
20 "2,757,877".
- 21 101. On page 108, line 9, strike the new matter and  
22 insert "579,070"; in line 13 strike the new matter and  
23 insert "951,759"; in line 16 strike the new matter and  
24 insert "268,652"; in line 20 strike the new matter and insert  
25 "465,675"; and in line 27 strike the new matter and insert  
26 "1,500,441".
- 27 102. On page 109, line 4, strike the new matter  
1 and insert "2,010,961"; in line 12 strike the new matter  
2 and insert "579,566"; in line 16 strike the new matter  
3 and insert "866,033"; in line 19 strike the new matter  
4 and insert "920,875"; and in line 22 strike the new matter  
5 and insert "1,144,928".
- 6 103. On page 110, line 12, strike the new matter  
7 and insert "5,049,220"; in line 17 strike the new matter  
8 and insert "9,065,928"; and in line 27 strike the new matter  
9 and insert "2,295,882".
- 10 104. On page 111, line 3, strike the new matter  
11 and insert "2,534,786".
- 12 105. On page 113, line 26, strike the new matter  
13 and insert "2,295,882".
- 14 106. On page 114, line 4, strike the new matter  
15 and insert "222,102,422"; in lines 12 and 14 strike the  
16 new matter and insert "76,414,261"; and in lines 22 and 24  
17 strike the new matter and insert "625,958".
- 18 107. On page 115, in lines 6 and 8 strike the new  
19 matter and insert "21,222,120"; and in line 27 strike the  
20 new matter and insert "41,132,283".
- 21 108. On page 116, line 2, strike the new matter  
22 and insert "41,132,283".
- 23 109. On page 145, line 24, reinstate the stricken



24 "one"; in line 25 reinstate the stricken "million", strike  
 25 "seven" and insert "two", and strike "nineteen", show as  
 26 stricken, and insert "eighty-nine".

27 110. On page 149, lines 12 and 13 strike the new  
 1 matter and insert "seventy-six thousand four hundred ninety-  
 2 four"; and in lines 25 and 26 strike the new matter and insert  
 3 "one hundred one thousand forty-six".

4 111. On page 150, line 12, strike "thirty-two" and  
 5 insert "thirty-five", strike "nine" and insert "seven", and  
 6 strike "eighty-seven" and insert "twenty-nine".

7 112. On page 151, line 4, strike the new matter  
 8 and insert "623,221"; in line 8 strike the new matter and  
 9 insert "637,421"; in line 14 strike the new matter and insert  
 10 "315,960"; in line 17 strike the new matter and insert  
 11 "552,818"; and in line 24 strike the new matter and insert  
 12 "312,758".

13 113. On page 152, line 1, strike the new matter and  
 14 insert "803,049"; in line 7 strike the new matter and insert  
 15 "501,789"; in line 11 strike the new matter and insert  
 16 "749,026"; in line 18 strike the new matter and insert  
 17 "861,959"; and in line 22 strike the new matter and insert  
 18 "1,616,116".

19 114. On page 153, line 7, strike the new matter  
 20 and insert "377,372"; and in line 11 strike the new matter  
 21 and insert "687,624".

22 115. On page 154, line 14, strike the new matter  
 23 and insert "108,890"; and in line 17 strike the new matter  
 24 and insert "169,923".

25 116. On page 155, line 17, strike the new matter  
 26 and insert "3,101,976"; and in line 22 strike the new matter  
 27 and insert "6,584,482".

1 117. Insert the following new sections:

2 "Sec. 99. That Laws 1981, LB 561, section 4, be  
 3 amended to read as follows:

4 Sec. 4. Agency No. 12 — State Treasurer

5 (1) Program No. 146 - Aid to Governmental

6 Subdivisions

7 GENERAL FUND 12,600,000

8 PROGRAM TOTAL 12,600,000

9 (2) Program No. 145 - Local Government Revenue

10 Fund

11 GENERAL FUND 70,000,000

12 -0-

13 PROGRAM TOTAL 70,000,000

14 -0-

15 ~~The General Fund appropriation to this program~~  
 16 ~~shall be reduced by the amount appropriated for the~~  
 17 ~~period of July 1, 1981 to June 30, 1982 in Legislative~~  
 18 ~~Bill 284A, Eighty-seventh Legislature, First Session,~~  
 19 ~~1981, if Legislative Bill 284A becomes law.~~

20	For Informational Purposes Only: Total Appropriations to	
21	Agency No. 12 and Fund Source	
22	GENERAL FUND	82,600,000
23		12,600,000
24	AGENCY TOTAL	82,600,000
25		12,600,000
26	Sec. 100. That Laws 1981, LB 284A, section 3,	
27	be amended to read as follows:	
1	Sec. 3. There is hereby appropriated <del>seventy</del>	
2	sixty-six million five hundred thousand dollars from the	
3	General Fund for the period July 1, 1981, to June 30,	
4	1982, to the Local Government Revenue Fund, which fund is	
5	hereby appropriated to the State Treasurer, for Program	
6	145, to aid in carrying out the provisions of Legislative	
7	Bill 284, Eighty-seventh Legislature, First Session,	
8	1981.	
9	Sec. 101. That Laws 1981, LB 561, section 6, be	
10	amended to read as follows:	
11	Sec. 6. Agency No. 16 — Department of Revenue	
12	Program No. 108 - Reimbursements to Local	
13	Governments	
14	GENERAL FUND	27,500,000
15		26,555,000
16	PROGRAM TOTAL	27,500,000
17		26,555,000
18	The unexpended General Fund balance existing on	
19	June 30, 1981, is hereby reappropriated in an amount not	
20	to exceed \$4,000,000, which amount is in addition to the	
21	amount shown.	
22	118. On page 155, line 27, strike "5," and	
23	insert "4 to".	
24	119. On page 156, line 8, after "6," insert	
25	"Laws 1981, LB 284A, section 3,".	
26	120. Renumber remaining sections accordingly.	

### MR. CLARK PRESIDING

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The Beutler-Wesely-Landis amendment lost with 5 ayes, 41 nays, 1 present and not voting, and 2 excused and not voting.

Pending.

**STANDING COMMITTEE REPORT**  
**Miscellaneous Subjects**

The Committee reports that after a public hearing on November 3, 1981, in Executive Session, Senator Newell moved to recommend to the Legislature that the following appointments be confirmed and approved. Senator Beyer seconded the motion.

Bill Palmer, Liquor Control Commission  
Sam Davidson, Nebraska Arts Council  
Richard L. White, Nebraska Arts Council

Senator Newell moved to recommend to the Legislature that the following appointments be confirmed and approved. Senator Duda seconded the motion.

Paul Galter, State Racing Commission  
Joan Nelson, Nebraska Arts Council

Senator Newell moved to recommend to the Legislature that the following appointment be confirmed and approved. Senator Von Minden seconded the motion.

Tom Fitzgerald, Liquor Control Commission

The Committee suggests a record vote. Voting yes: Senators Beyer, Duda, Hefner, Newell, and Von Minden. Voting no: none. Absent: Senators Barrett, Cullan, and Fenger.

(Signed) Elroy M. Hefner, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 3.**

Introduced by Vickers, 38th District.

WHEREAS, the Governor has proposed reducing the General Fund operations budgets of state agencies by three per cent; and

WHEREAS, the constitutional officers and members of the Legislature have been specifically exempted from a three per cent reduction in their salaries; and

WHEREAS, it is incumbent upon the decision makers of this state to set an example for all state employees in sacrificing to reduce state spending.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature urges all of its members and all constitutional officers to return three per cent of their 1981-82 salary to the state General Fund.

2. That the Department of Administrative Services shall report to the Clerk of the Legislature by April 1, 1982, the amount and sources of all money returned to the General Fund pursuant to this resolution.

Laid over.

#### **LEGISLATIVE RESOLUTION 4.**

Introduced by Koch, 12th District.

WHEREAS, the involvement of the state in the regulation and supervision of private, denominational, or parochial schools is a continuing controversy in this state and has resulted in the recent closing of a church-related school and the initiation of legal action against other private schools; and

WHEREAS, during the last regular legislative session, a bill which provided an exemption for private, denominational, or parochial schools from requiring teacher certification was advanced to Final Reading; and

WHEREAS, the Eighty-seventh Legislature adopted LR 108 to allow the Education Committee to conduct an interim study on the state's regulation of private and denominational schools; and

WHEREAS, the Legislature will have the opportunity during the next regular session to resolve this continuing controversy; and

WHEREAS, the Legislature invites the Governor to join in issuing this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the parties involved in the enforcement of state educational requirements should consider that the Legislature intends to address and resolve the conflicts involved with the state's regulation of private, denominational, and parochial schools during the next regular legislative session.

2. That the Clerk of the Legislature forward a copy of this resolution to the Governor for his additional signature.

Laid over.

**GENERAL FILE****LEGISLATIVE BILL 8. Considered.**

Mr. Vickers offered the following amendment:

- 1 1. Insert a new section as follows:
- 2 "Sec. 99. Any agency, commission, board or department
- 3 which reduces the salaries of employees in order to comply with
- 4 the reductions provided by this act shall reduce the salaries of
- 5 all of its employees by an equal percentage".
- 6 2. Renumber remaining sections accordingly.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

The Vickers amendment lost with 16 ayes, 26 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Nichol offered the following amendment:

(1)

Strike Section 88, Page 145 lines 22-27 and page 146 lines 1-5.

The Nichol amendment (1) was adopted with 32 ayes, 3 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Nichol offered the following amendment:

(2)

Strike Section 75; Page 135 lines 6-22.

**PRESIDENT LUEDTKE PRESIDING**

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Nichol amendment (2) lost with 14 ayes, 28 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendment:

On page 70, in line 15, strike "~~570 - Administration~~" and insert "~~570 - Administration~~ 571 - Commission on Aging" and on page 132, in line 20, strike "~~574 - Aid to Aged~~" and insert "~~574 - Aid to Aged~~ 571 - Commission on Aging". Strike section 62. On page 146, in line 9, strike "~~seventeen~~" and insert "eight", in line 10, strike "~~five hundred fifty-nine~~" and insert "nine hundred one".

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Warner amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Speaker Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cullan offered the following amendment:

On page 156, in lines 11 and 12, strike "Laws 1981, LB 506A, section 3"

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

Mr. Cullan requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Apking	Duda	Kahle	R. Peterson	Wagner
Barrett	Goodrich	Kilgarin	Remmers	Wiitala
Burrows	Hefner	Koch	Schmit	
Chambers	Higgins	Labeledz	Sieck	
Cope	Hoagland	Newell	Stoney	
Cullan	V. Johnson	Nichol	Vickers	

Voting in the negative, 18:

Beutler	Clark	Goll	Landis	Warner
Beyer	DeCamp	Haberman	H. Peterson	Wesely
Carsten	Fenger	L. Johnson	Rumery	
Chronister	Fowler	Lamb	Von Minden	

Excused and not voting, 3:

Dworak	Marsh	Marvel
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Absent and not voting, 2:

Kremer            Pirsch

The Cullan amendment was adopted with 26 ayes, 18 nays, 3 excused and not voting, and 2 absent and not voting.

Advanced to E & R for Review with 35 ayes, 8 nays, 3 present and not voting, and 3 excused and not voting.

### STANDING COMMITTEE REPORT Public Health and Welfare

The Committee on Public Health and Welfare desires to report favorably upon the appointment listed below. The Committee on Public Health and Welfare suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dr. Henry Smith, Director, Department of Health

Vote For: Senators Cullan, Barrett, Fenger, R. Peterson, Higgins, Wesely, and Apking. (7) Against: None. Not Voting: None. Absent: None.

**LEGISLATIVE BILL 7.** Placed on General File as amended.  
Standing Committee amendments to LB 7:

- 1        1. On page 3 strike lines 21 through 27, show
- 2        the old matter as stricken, and insert:
- 3        “(2) In awarding aid to dependent children
- 4        payments, the term dependent child shall include unborn
- 5        children. As soon as it is medically determined that
- 6        pregnancy exists, application may be made for initial
- 7        eligibility or for an increase in an existing unit budget.
- 8        Payments which do not meet applicable criteria established
- 9        by federal law for pregnant women and unborn children shall
- 10       be made from state funds. Only for the purpose of meeting
- 11       federal requirements, a pregnant woman may be eligible
- 12       but only (a) if it has been medically verified that the
- 13       child is expected to be born in the month such payments
- 14       are made or expected to be born within the three-month
- 15       period following such month of payment, and (b) if such
- 16       child had been born and was living with her in the month
- 17       of payment, she would be eligible for aid to families with
- 18       dependent children. As soon as it is medically determined
- 19       that pregnancy exists, a pregnant woman who meets the
- 20       other requirements for aid to dependent children shall be
- 21       eligible for medical assistance.”.
- 22       2. On page 4, strike lines 1 through 6 and show
- 23       the old matter as stricken.
- 24       3. Strike original section 3 and insert a new
- 25       section as follows:

- 26 "Sec. 3. A collection service fee shall be  
 27 imposed on an individual who owes delinquent child support  
 1 in an amount equal to ten per cent of the delinquent  
 2 amount owed. No part of the amount collected shall be  
 3 considered to be a fee collected except such amounts  
 4 collected which exceed the actual amount of the delinquent  
 5 support owed. The clerk of the district court shall record  
 6 the amount of such fees. Any fees so collected for aid  
 7 to dependent children recipients or actions filed pursuant  
 8 to section 43-512.02 shall be transmitted to the Department  
 9 of Public Welfare. All collection of fees in other cases  
 10 shall be placed in the general fund of the appropriate  
 11 county."  
 12 4. On page 6, strike line 22.

(Signed) Samuel K. Cullan, Chairperson

### VISITORS

Visitors to the Chamber were Jim and John Link from Reno, Nevada and Ruth and Everett Lech from Burwell.

### RECESS

At 12:16 p.m., on a motion by Mr. Lamb, the Legislature recessed until 2:00 p.m.

### AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Miss Kilgarin, Mrs. Pirsch, Messrs. Landis, Newell, Nichol, and Wiitala who were excused until they arrive.

### SELECT COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 8.** Placed on Select File as amended.  
 E & R amendments to LB 8:

1. On page 42, after line 25, insert:  
 "The unexpended General Fund balance existing on June 30, 1981, is hereby reappropriated."
2. On page 70, after line 1, insert:  
 "Program No. 326 - Promotion and Development of the Arts".
3. On page 155, line 27, and in the title, line 7, strike  
 "5,".



4. On page 156, line 6, strike "Laws 1981, LB 129A, section 1,".
5. Renumber original sections 63 to 87 as 62 to 86 and original sections 89 to 100 as sections 87 to 98.
6. In the title, in lines 14 and 15 strike "Laws 1981, LB 129A, section 1,"; and on page 2 of the title, in line 10, strike "Laws 1981, LB 506A, section 3,".

(Signed) Karen Kilgarin, Chairperson

### STANDING COMMITTEE REPORT Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment of Harvey D. Davis as Judge of the Commission of Industrial Relations. The Committee recommends that the appointment be confirmed by the Legislature.

Voting for: Senators Apking, Barrett, Goll, and Wiitala (4). Against: None. Not voting: None. Absent: Senators Labeledz and Vickers (2).

(Signed) William E. Barrett, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 7.** Title read. Considered.

Standing Committee amendments found in this day's Journal were considered.

Mr. Schmit requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

Standing Committee amendment 1 is as follows:

(1)

- 1 1. On page 3 strike lines 21 through 27, show
- 2 the old matter as stricken, and insert:
- 3 "(2) In awarding aid to dependent children
- 4 payments, the term dependent child shall include unborn
- 5 children. As soon as it is medically determined that
- 6 pregnancy exists, application may be made for initial
- 7 eligibility or for an increase in an existing unit budget.
- 8 Payments which do not meet applicable criteria established
- 9 by federal law for pregnant women and unborn children shall
- 10 be made from state funds. Only for the purpose of meeting
- 11 federal requirements, a pregnant woman may be eligible
- 12 but only (a) if it has been medically verified that the
- 13 child is expected to be born in the month such payments

14 are made or expected to be born within the three-month  
 15 period following such month of payment, and (b) if such  
 16 child had been born and was living with her in the month  
 17 of payment, she would be eligible for aid to families with  
 18 dependent children. As soon as it is medically determined  
 19 that pregnancy exists, a pregnant woman who meets the  
 20 other requirements for aid to dependent children shall be  
 21 eligible for medical assistance.”.

22 2. On page 4, strike lines 1 through 6 and show  
 23 the old matter as stricken.

### MR. CLARK PRESIDING

Mr. Koch moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. L. Johnson requested a record vote.

Voting in the affirmative, 26:

Apking	Cullan	Goodrich	Koch	Wesely
Beutler	DeCamp	Haberman	Labedz	Wiitala
Beyer	Duda	Higgins	Peterson, R.	
Burrows	Dworak	Hoagland	Rumery	
Chambers	Fenger	Johnson, V.	Schmit	
Chronister	Fowler	Kilgarin	Sieck	

Voting in the negative, 16:

Carsten	Hefner	Lamb	Remmers
Clark	Johnson, L.	Nichol	Stoney
Cope	Kahle	Peterson, H.	Von Minden
Goll	Kremer	Pirsch	Warner

Present and not voting, 5:

Barrett	Landis	Marvel	Vickers	Wagner
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Excused and not voting, 2:

Marsh	Newell
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Standing Committee amendment 1 was adopted with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Standing Committee amendment 2 is as follows:

(2)

24 3. Strike original section 3 and insert a new  
25 section as follows:

26 "Sec. 3. A collection service fee shall be  
27 imposed on an individual who owes delinquent child support  
1 in an amount equal to ten per cent of the delinquent  
2 amount owed. No part of the amount collected shall be  
3 considered to be a fee collected except such amounts  
4 collected which exceed the actual amount of the delinquent  
5 support owed. The clerk of the district court shall record  
6 the amount of such fees. Any fees so collected for aid  
7 to dependent children recipients or actions filed pursuant  
8 to section 43-512.02 shall be transmitted to the Department  
9 of Public Welfare. All collection of fees in other cases  
10 shall be placed in the general fund of the appropriate  
11 county."

12 4. On page 6, strike line 22.

Standing Committee amendment 2 was adopted with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

### STANDING COMMITTEE REPORT Judiciary

The Committee on the Judiciary desires to report favorably upon the appointment listed below. The Committee on the Judiciary suggests the appointment be confirmed by the Legislature and suggests a record vote.

Charles L. Benson, Director, Department of Corrections

Vote For: Beyer, Chronister, Kilgarin, Nichol, Pirsch, Sieck, Von Minden (7). Against: None. Not voting: None. Absent: Chambers (1).

(Signed) William E. Nichol, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 7 in the Journal. No objections. So ordered.

- 1 1. Strike original section 3.
- 2 2. On page 6, strike line 22.
- 3 3. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LR 4 in the Journal. No objections. So ordered.

Amend the first paragraph following “Be it Resolved by the Members of the Eighty-Seventh Legislature of Nebraska, First Special Session” to read as follows:

1. That the parties involved in the enforcement of state educational requirements should consider that the Legislature intends to address and resolve the conflicts involved with the state’s regulation of private, denominational, and parochial schools during the next regular legislative session. Therefore, we request the suspension of all prosecutions for 90 days following this resolutions adoption.

2. We further request that all contempt citations or its enforcement against those presently operating Christian Schools which do not meet current laws or State Department rules and regulations be set aside for 90 days following the adoption of this resolution.

3. That the Clerk of the Legislature forward a copy of this resolution to the Attorney General, Commissioner of Education, State Board of Education all county attorneys, and all county superintendents of schools.

4. That the Clerk of the Legislature forward a copy of this resolution to the Governor for his additional signature.

### EXPLANATION OF VOTE

Due to my having a constituent from my district at my desk during the vote on the 1st part of LB 7 I voted yes and wish to have the record show I would have voted no had I been not been distracted.

(Signed) Rex Haberman

### RESOLUTION

#### LEGISLATIVE RESOLUTION 5.

Introduced by Burrows, 30th District.

WHEREAS, the State of Nebraska has had a reduction for this fiscal year of nine hundred eighty one thousand three hundred eighty eight dollars in Title XX funds for regional mental retardation services; and

WHEREAS, many regional community based services are operating at capacity, thereby forcing over three hundred prospective clients to be placed on waiting lists for services; and

WHEREAS, the people on such waiting lists are not currently able to obtain needed services from any source; and

WHEREAS, there are mentally retarded persons at the Beatrice State Developmental Center, currently receiving services, who are scheduled for placement in community based programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

Mental retardation regional boards shall provide the necessary services to persons on waiting lists within the community prior to accepting additional persons who are currently being served by Beatrice State Developmental Center.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 7.** Considered.

Mr. Chambers offered the following amendment:

Pg 5 Line 10 after "employment" add  
 "Participation in a strike shall mean walking or standing on a picket line."

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beutler	Fowler	Koch	Rumery	Wesely
Burrows	Hoagland	Labedz	Schmit	Wiitala
Chambers	Johnson, V.	Pirsch	Sieck	
Dworak	Kilgarin	Remmers	Vickers	

Voting in the negative, 23:

Apking	Clark	Goll	Lamb	Von Minden
Barrett	Cope	Haberman	Nichol	Wagner
Beyer	Cullan	Hefner	Peterson, H.	Warner
Carsten	Duda	Johnson, L.	Peterson, R.	
Chronister	Fenger	Kahle	Stoney	

Present and not voting, 4:

DeCamp      Goodrich      Higgins      Marvel

Excused and not voting, 3:

Kremer      Marsh      Newell

Absent and not voting, 1:

Landis

The Chambers amendment lost with 18 ayes, 23 nays, 4 present and not voting, 3 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Review with 30 ayes, 10 nays, 6 present and not voting, and 3 excused and not voting.

#### **ANNOUNCEMENT**

Mr. Lamb announced an Executive Board meeting at 8:00 a.m., Thursday, November 5, 1981 in Room 1520.

#### **EXPLANATION OF VOTE**

Had I been present during the first part of the divided question on LB 7, I would have voted in the affirmative.

(Signed)      Bill Barrett

#### **ADJOURNMENT**

At 3:54 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Thursday, November 5, 1981.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTH DAY - NOVEMBER 5, 1981****LEGISLATIVE JOURNAL****EIGHTY-SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, November 5, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh who was excused; and Miss Kilgarin, Mrs. Pirsch, and Mr. Dworak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 78, line 30, strike Landis and insert Landis on line 32.  
Page 82, line 5, insert Landis and strike Landis on line 7.  
The Journal for the Fourth Day was approved as corrected.

**SELECT COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 7.** Placed on Select File as amended.  
E & R amendments to LB 7:

1. On page 2, insert an underscored comma at the end of line 12.
2. On page 5, line 9, strike the comma.
3. In the title, strike line 4 and "Supplement, 1981," in line 5.

(Signed) Karen Kilgarin, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 8.** E & R amendments found in the Journal on page 76 for the Fourth Day were adopted.

Mr. Beutler offered the following amendment:

- 1       1. Strike original section 26.
- 2       2. On page 155, line 25, strike "to 22" and
- 3       insert "to 20, 22".
- 4       3. Renumber remaining sections accordingly.
- 5       4. In the title, line 4 after the final "to"
- 6       insert "20,".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 5 nays, and 22 not voting.

The Beutler amendment lost with 10 ayes, 27 nays, 10 present and not voting, and 2 excused and not voting.

Mrs. Labeledz offered the following amendment:

- 1       1. In the Warner amendment adopted on
- 2       November 4, strike beginning with "On" in line 1
- 3       through the first period in line 4.
- 4       2. Strike original section 72.
- 5       3. On page 155, line 27, strike "26 to"
- 6       and insert "26, 28,".
- 7       4. Renumber the remaining sections accordingly.

The Labeledz amendment lost with 14 ayes, 27 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Hoagland offered the following amendment:

**PURPOSE:** This amendment eliminates the 3% or \$8,695,731 General Fund reduction in state agency operations and eliminates the 3% or \$578,417 General Fund reduction in State Aid to Technical Community Colleges. These reductions that are eliminated from the Governor's recommendations by this amendment are offset by the transfer by this amendment of 10,000,000 from the Department of Roads Operation Cash Fund (Highway Cash Fund) to the General Fund during Fiscal Year 1981-82.

**AMENDMENT:**

Strike sections 1 through 16, 18 through 20, 22 through 49, 51 through 61, 75, and 95 through 98.

On page 32, in line 22, strike the new matter and in line 21, reinstate the stricken matter; in line 25 strike the new matter and in line 24 reinstate the stricken matter.



On page 33, in line 27, strike the new matter and in line 26 reinstate the stricken matter.

On page 34, in line 4 strike the new matter and in line 3 reinstate the stricken matter.

On page 34, in line 10, strike "15,011,580" and insert "15,282,232"; in line 14, strike "24,334,415" and insert "24,605,067"; in line 22, strike "3,907,345" and insert "4,407,345"; in line 26 strike "15,988,845" and insert "16,488,845".

On page 35, in line 17 strike "26,190,264" and insert "27,040,756"; in line 21, strike "57,256,340" and insert "58,106,832".

Req. #2491

1. On page 40, lines 6 and 7, strike  
 "9,713,676", show as stricken, and insert "9,264,181"; in  
 lines 11 and 12 strike "160,091,699", show as stricken,  
 and insert "152,683,550"; in lines 16 and 17 strike  
 "39,157,564", show as stricken, and insert "37,345,571";  
 in line 21, strike "7,139,224", show as stricken, and  
 insert "6,800,861"; in line 23 strike "7,339,224", show  
 as stricken, and insert "7,000,861".

2. On page 41, after line 4, insert the  
 following new paragraph:

"The State Treasurer is hereby directed to  
 transfer ten million dollars from the Department of Roads  
 Operation Cash Fund to the General Fund on March 1,  
 1982."; in line 9 strike "216,102,163", show as stricken,  
 and insert "206,102,163"; and in line 13 strike  
 "216,847,541" and insert "206,847,541".

3. Insert the following new section:

"Sec. 99. That section 66-424, Reissue Revised  
 Statutes of Nebraska, 1943, be amended to read as  
 follows:

66-424. The share of the Highway Allocation Fund  
 allocated to the Department of Roads shall be transferred  
 by the State Treasurer, on or before the last day of each  
 month, to the Highway Cash Fund and shall be expended by  
 the department (1) for acquiring real estate, road  
 materials, equipment, and supplies to be used in the  
 construction, reconstruction, improvement, and  
 maintenance of state highways; (2) for the construction,  
 reconstruction, improvement, and maintenance of state  
 highways, including grading, drainage, structures,  
 surfacing, roadside development, landscaping, and other  
 incidentals necessary for proper completion and  
 protection of state highways as the department shall,  
 after investigation, find and determine shall be for the  
 best interests of the highway system of the state, either  
 independent of or in conjunction with federal aid money  
 for highway purposes; (3) for the share of the department  
 of the cost of maintenance of state aid bridges as

15 provided in section 39-852; (4) for planning studies in  
 16 conjunction with federal highway funds for the purpose of  
 17 analyzing traffic problems and financial conditions and  
 18 problems relating to state, county, township, municipal,  
 19 federal, and all other roads in the state, and for  
 20 incidental costs in connection with the federal aid grade  
 21 crossing program, for roads not on state highways; (5)  
 22 for tests and research by the department or proportionate  
 23 costs of membership, test, and research of highway  
 24 organizations when participated in by the highway  
 25 departments of other states; and (6) for the payment of  
 26 expenses and cost of the Board of Examiners for County  
 27 Highway and City Street Superintendents as set forth in  
 1 section 39-2310; and (7) for fiscal year 1981-82 only,  
 2 such purposes as the Legislature shall determine. Any  
 3 money in the Highway Cash Fund not needed for current  
 4 operations of the department shall, as directed by the  
 5 Director-State Engineer to the State Treasurer, be  
 6 invested by the state investment officer pursuant to the  
 7 provisions of sections 72-1237 to 72-1259, subject to  
 8 approval by the board of each investment. All income  
 9 received as a result of such investment shall be placed  
 10 in the Highway Cash Fund."  
 11 4. On page 155, line 23, after "original" insert  
 12 "section 66-424, Reissue Revised Statutes of Nebraska,  
 13 1943,".  
 14 5. Renumber remaining sections accordingly.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

The Hoagland amendment lost with 6 ayes, 30 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Stoney offered the following amendment:

1 1. On page 146, strike beginning with "one"  
 2 in line 8 through "fifty-nine" in line 10, show the  
 3 old matter as stricken, and insert "seven hundred  
 4 eighty-one thousand two hundred eighty-nine".

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Stoney requested a record vote on his amendment.

Voting in the affirmative, 13:

Carsten	DeCamp	Newell	Pirsch	Von Minden
Clark	Dworak	Nichol	Remmers	
Cullan	Marvel	Peterson, H.	Stoney	

Voting in the negative, 28:

Apking	Fenger	Hoagland	Labeledz	Wagner
Barrett	Fowler	Johnson, L.	Landis	Warner
Beyer	Goll	Johnson, V.	Peterson, R.	Wesely
Chronister	Goodrich	Kahle	Rumery	Wiitala
Cope	Haberman	Koch	Sieck	
Duda	Hefner	Kremer	Vickers	

Present and not voting, 6:

Beutler	Chambers	Lamb
Burrows	Higgins	Schmit

Excused and not voting, 2:

Kilgarin      Marsh

The Stoney amendment lost with 13 ayes, 28 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Fowler offered the following amendment:

PURPOSE:

This amendment lowers the Governor's recommendation for a 3% or \$5,539,643 reduction to the 1981-82 appropriation for the University of Nebraska, Nebraska State Colleges, and State Aid to Technical Community Colleges to a 1.75% or \$3,229,572 reduction. This change of \$2,310,071 (\$5,539,643 - \$3,229,572) can be offset by the funds in excess of the 3% reserve based on the Governor's financial status sheet.

AMENDMENT:

On page 88, in line 7, strike "175,372" and insert "177,632"; in line 9, strike "175,372" and insert "177,632".

On page 90, in line 13, strike "2,582,320" and insert "2,615,597"; in line 18, strike "3,364,778" and insert "3,398,055"; in line 26, strike "118,714" and insert "120,244".

On page 91, in line 1, strike "145,244" and insert "146,774"; in line 15, strike "2,416,659" and insert "2,447,801"; in line 19, strike "3,003,141" and insert "3,034,283"; in line 22, strike "39,966" and insert "40,481"; in line 26, strike "66,583" and insert "67,098".

On page 92, in line 2, strike "6,981" and insert "7,071"; in

line 6, strike "149,810" and insert "149,900"; in line 10, strike "956,971" and insert "969,303"; in line 14, strike "2,648,365" and insert "2,660,697"; in line 22, strike "639,260" and insert "647,498"; in line 26, strike "766,751" and insert "774,989".

On page 93, in line 2, strike "317,711" and insert "321,805"; in line 6, strike "546,234" and insert "550,328"; in line 13, strike "1,376,051" and insert "1,393,783"; in line 16, strike "1,697,957" and insert "1,715,689"; in line 24, strike "625,333" and insert "633,391"; in line 27, strike "818,896" and insert "826,954".

On page 94, in line 3, strike "750,718" and insert "760,392"; in line 6, strike "879,061" and insert "888,735"; in line 22 strike "4,915,342" and insert "4,978,683"; in line 27, strike "8,215,209" and insert "8,278,550".

On page 95, in line 16, strike "5,735,997" and insert "5,809,914"; in line 21, strike "8,418,589" and insert "8,492,506".

On page 96, in line 3, strike "5,578,734" and insert "5,650,625"; in line 7, strike "7,745,290" and insert "7,817,181"; in line 10, strike "77,007" and insert "77,999"; in line 14, strike "219,288" and insert "220,280"; in line 17, strike "14,296" and insert "14,480"; in line 21, strike "378,051" and insert "378,235"; in line 23, strike "65,960" and insert "66,810"; in line 25, strike "75,960" and insert "76,810".

On page 97, in line 5, strike "1,531,399" and insert "1,551,133"; in line 9, strike "5,370,174" and insert "5,389,908"; in line 17, strike "1,062,843" and insert "1,076,539"; in line 21, strike "1,507,826" and insert "1,521,522"; in line 24, strike "468,556" and insert "474,594"; in line 27, strike "957,671" and insert "963,709".

On page 98, in line 7, strike "1,629,479" and insert "1,650,478"; in line 10, strike "2,580,568" and insert "2,601,567"; in line 18, strike "609,363" and insert "617,216"; in line 21, strike "1,179,392" and insert "1,187,245"; in line 24, strike "1,020,116" and insert "1,033,262"; in line 27, strike "1,401,176" and insert "1,414,322".

On page 99, in line 17, strike "8,896,875" and insert "9,011,525"; in line 22, strike "17,770,569" and insert "17,885,219".

On page 100, in line 19, strike "1,224,440" and insert "1,240,219"; in line 24, strike "1,416,028" and insert "1,431,807".

On page 101, in line 5, strike "93,192" and insert "94,393"; in line 7, strike "104,336" and insert "105,537"; in line 21, strike "1,098,196" and insert "1,112,348"; in line 25, strike "1,243,140" and insert "1,257,292".

On page 102, in line 1, strike "8,282" and insert "8,389"; in line 5, strike "11,536" and insert "11,643"; in line 8, strike "24,770" and insert "25,089"; in line 12, strike "57,016" and insert "57,335"; in line 16, strike "533,081" and insert "539,950"; in line 20, strike "1,386,283" and insert "1,393,152".

On page 103, in line 1, strike "293,027" and insert "296,803"; in line 5, strike "359,046" and insert "362,822"; in line 8, strike

"240,054" and insert "243,147"; in line 11, strike "331,216" and insert "334,309"; in line 18, strike "1,039,546" and insert "1,052,942"; in line 21, strike "1,258,286" and insert "1,271,682".

On page 104, in line 2, strike "440,874" and insert "446,555"; in line 5, strike "650,487" and insert "656,168"; in line 8, strike "598,672" and insert "606,387"; in line 11, strike "607,799" and insert "615,514"; in line 27, strike "2,797,067" and insert "2,833,111".

On page 105, in line 5, strike "4,272,278" and insert "4,308,322".

On page 106, in line 2, strike "2,628,854" and insert "2,662,731"; in line 7, strike "3,409,395" and insert "3,443,272"; in line 15, strike "129,499" and insert "131,168"; in line 17, strike "176,222" and insert "177,891".

On page 107, in line 4, strike "2,477,080" and insert "2,509,001"; in line 8, strike "3,174,743" and insert "3,206,664"; in line 11, strike "22,275" and insert "22,562"; in line 14, strike "27,368" and insert "27,655"; in line 21, strike "848,233" and insert "859,164"; in line 25, strike "2,740,388" and insert "2,751,319".

On page 108, in line 8, strike "585,008" and insert "592,547"; in line 13, strike "939,697" and insert "947,236"; in line 16, strike "263,225" and insert "266,617"; in line 20, strike "460,248" and insert "463,640"; in line 27, strike "1,470,129" and insert "1,489,074".

On page 109, in line 4, strike "1,980,649" and insert "1,999,594"; in line 12, strike "567,857" and insert "575,175"; in line 16, strike "854,324" and insert "861,642"; in line 19, strike "902,272" and insert "913,899"; in line 22, strike "1,126,325" and insert "1,137,952".

On page 110, in line 12, strike "4,947,216" and insert "5,010,969"; in line 17, strike "8,963,924" and insert "9,027,677"; in line 27, strike "2,249,501" and insert "2,278,489".

On page 111, in line 27, strike "2,488,405" and insert "2,517,393".

On page 113, in line 26, strike "2,249,501" and insert "2,278,489".

On page 114, in line 4, strike "222,056,041" and insert "222,085,029"; in lines 12 and 14, strike "74,870,538" and insert "75,835,365"; in lines 22 and 24, strike "613,313" and insert "621,217".

On page 115, in lines 6 and 8, strike "20,793,390" and insert "21,061,346"; in line 27, strike "40,304,358" and insert "40,823,744".

On page 116, in line 2, strike "40,304,358" and insert "40,823,744".

On page 135, in line 20, strike "18,702,158" and insert "18,943,165"; in line 22, strike "18,702,158" and insert "18,943,165".

Mr. Fowler requested a record vote on his amendment.

Voting in the affirmative, 8:

Beutler	Fowler	Johnson, V.	Landis
Dworak	Hoagland	Koch	Wesely

Voting in the negative, 32:

Apking	Cullan	Kahle	Peterson, R.	Von Minden
Barrett	DeCamp	Kremer	Pirsch	Wagner
Beyer	Fenger	Labeledz	Remmers	Warner
Carsten	Goll	Lamb	Rumery	Wiitala
Chronister	Haberman	Marvel	Sieck	
Clark	Hefner	Newell	Stoney	
Cope	Johnson, L.	Peterson, H.	Vickers	

Present and not voting, 7:

Burrows	Duda	Higgins	Schmit
Chambers	Goodrich	Nichol	

Excused and not voting, 2:

Kilgarin      Marsh

The Fowler amendment lost with 8 ayes, 32 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment:

In the title of LB 8 strike "remove" and insert "defer" as it references the proposed Regional College of Veterinary Medicine.

The Schmit amendment was adopted with 31 ayes, 4 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 41 ayes, 4 nays, 2 present and not voting, and 2 excused and not voting.

### EXPLANATION OF VOTES

It was my intent to be shown as voting "no" on the Hoagland amendment to LB 8.

(Signed) Rex Haberman

Had I been present I would have voted yes on the Schmit amendment to LB 8.

(Signed) Rex Haberman

## RESOLUTION

### LEGISLATIVE RESOLUTION 6.

Introduced by Schmit, 23rd District; Cullan, 49th District; V. Johnson, 8th District; Chambers, 11th District; Wesely, 26th District; Labedz, 5th District.

WHEREAS, the federal government has adopted legislation requiring states to charge a fee for the collection of child support; and

WHEREAS, the concept of assessing and collecting a fee from the non-custodial parent is administratively unworkable; and

WHEREAS, the concept of deducting the fee from the payment to the custodial parent is philosophically reprehensible; and

WHEREAS, either form of fee collection seriously hampers the considerable advances the State of Nebraska has made in this area; and

WHEREAS, the legislation in its present form is ambiguous and of doubtful constitutional validity as regards due process and equal protection.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Attorney General of the State of Nebraska be directed to seek an injunction against enforcement of the federal law.

2. That the Nebraska congressional delegation be urged to seek repeal of this ill-founded legislation, and to oppose similar proposals in the future.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 7.** E & R amendments found in this day's Journal were adopted.

Mr. Schmit renewed his pending amendment found in the Journal on page 79.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 79. No objections. So ordered.

Mr. Schmit offered the following amendment:

1. Strike original section 3.
2. Strike Committee amendment #3,  
line 24, page 1 through line 1, page 2
3. Strike line 22 on page 6.

The Schmit amendment lost with 19 ayes, 15 nays, 13 present and not voting, and 2 excused and not voting.

Mr. DeCamp offered the following amendment:

Section 3 of this act is repealed effective 1 March 1981.

The DeCamp amendment was adopted with 34 ayes, 3 nays, 11 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:

- 1 1. On page 5, line 18, after the period insert
- 2 “An individual shall not be deemed to be participating
- 3 in a strike if it is shown to the satisfaction of the
- 4 Director of Public Welfare that (1) he or she is not
- 5 taking part in, financing, or directly interested in
- 6 the labor dispute which led to the strike, and (2) he
- 7 or she does not belong to a grade or class of workers
- 8 of which, immediately before the commencement of the
- 9 strike, there were members employed at the premises at
- 10 which the strike occurs, any of whom are participating,
- 11 financing, or directly interested in the dispute.”.

## MR. CLARK PRESIDING

The Chambers amendment was adopted with 31 ayes, 9 nays, 8 present and not voting, and 1 excused and not voting.

Mr. Warner offered the following amendment:

- 1 1. Insert the following new section:
- 2 “Sec. 4. There is hereby appropriated three
- 3 hundred eighty-six thousand one hundred seventy-two
- 4 dollars from the General Fund for the period July 1, 1982
- 5 to June 30, 1983, to the Department of Public Welfare,
- 6 for Program 347, to aid in carrying out the provisions
- 7 of Legislative Bill 7, Eighty-seventh Legislature, First
- 8 Special Session, 1981. There shall be no expenditures
- 9 for permanent and temporary salaries and per diem from
- 10 funds appropriated in this section.”.
- 11 2. In the title, line 10 after the semicolon
- 12 insert “to make an appropriation;”.



13 3. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to withdraw his amendment. No objections. So ordered.

### **PRESIDENT LUEDTKE PRESIDING**

Mrs. Pirsch offered the following amendment:

Strike the committee amendments one and two to LB 7 lines 1-23.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Carsten	Haberman	Kremer	Peterson, H.	Stoney
Clark	Hefner	Lamb	Peterson, R.	Von Minden
Cope	Johnson, L.	Landis	Pirsch	Warner
Goll	Kahle	Nichol	Remmers	

Voting in the negative, 27:

Apking	DeCamp	Higgins	Marvel	Wagner
Barrett	Duda	Hoagland	Newell	Wesely
Beutler	Dworak	Johnson, V.	Rumery	Wiitala
Burrows	Fenger	Kilgarin	Schmit	
Chronister	Fowler	Koch	Sieck	
Cullan	Goodrich	Labeledz	Vickers	

Present and not voting, 1:

Beyer

Excused and not voting, 1:

Marsh

Absent and not voting, 1:

**Chambers**

The Pirsch amendment lost with 19 ayes, 27 nays, 1 present and not voting, 1 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Engrossment with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

**STANDING COMMITTEE REPORT**

Addition to Committee on Business and Labor  
Confirmation Report

Hearing on November 4, 1981

Senator Richard Peterson voted "Aye" for the appointment of Harvey D. Davis as Judge of the Commission of Industrial Relations.

(Signed) William E. Barrett, Chairperson

**RECESS**

At 12:14 p.m., on a motion by Speaker Marvel, the Legislature recessed until 3:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 3:00 p.m., President Luedtke presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Burrows, Clark, Goodrich, V. Johnson, Kremer, Newell, Rumery, Schmit, and Mrs. Higgins who were excused until they arrive.

**SELECT COMMITTEE REPORTS****Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 7 and 8.

(Signed) Karen Kilgarin, Chairperson

**Enrollment and Review Changes to LB 7**

The following change, now required to be reported to you for publication in the Journal, has been made to LB 7:

1. In the DeCamp amendment adopted 11/5, "1 March 1981" has been stricken and "March 1, 1982" has been inserted; the amendment has been inserted as section 5; and original section 5 has been renumbered as section 6.

2. In line 10 of the title, "to provide for termination of a section;" has been inserted after the first semicolon.

(Signed) Emory P. Burnett  
E & R Attorney

**MOTION - Adjournment**

Mr. Beutler moved to adjourn until 9:00 a.m., Friday, November 6, 1981.

The motion lost with 17 ayes, 15 nays, 7 present and not voting, and 10 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 1. Read. Considered.**

Mr. Wiitala offered the following amendment:

- 1 1. In line 2 of the fourth "whereas", strike
- 2 "reducing" and insert "setting".

The Wiitala amendment lost with 21 ayes, 10 nays, 11 present and not voting, and 7 excused and not voting.

**MOTION - Reconsider Action on LR 1**

Mr. Duda moved to reconsider the Wiitala amendment to LR 1.

The motion prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

### **RESOLUTIONS**

#### **LEGISLATIVE RESOLUTION 1. Considered.**

The Wiitala amendment to LR 1 was adopted with 25 ayes, 9 nays, 8 present and not voting, and 7 excused and not voting.

Mr. DeCamp offered the following amendment to LR 1:  
Strike 5th whereas & 6th whereas.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The DeCamp amendment was adopted with 25 ayes, 14 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Wiitala moved to withdraw LR 1.

The Wiitala motion to withdraw LR 1 prevailed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

#### **LEGISLATIVE RESOLUTION 2. Read. Considered.**

LR 2 was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

### **UNANIMOUS CONSENT - Members Excused**

Messrs. Koch and Goll asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

### **ATTORNEY GENERAL'S OPINION**

Opinion No. 146  
November 4, 1981

Dear Senator Nichol:

This is in response to your letter of November 3, 1981, in which you ask questions relating to the Governor's veto power and in particular whether the line item veto is applicable to LB 8 of the Eighty-Seventh Legislature, First Special Session.

Article IV, Section 15 of the Nebraska Constitution outlines the Governor's veto powers as follows:

If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill with the objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced. . . . The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless the Legislature has reconsidered the item or items disapproved or reduced and has repassed any such item or items over the objection of the Governor by a three-fifths approval of the members elected.

The Governor's line item veto is applicable only to bills pertaining to appropriations. LB 8 of the Eighty-Seventh Legislature, First Special Session, is "an act relating to appropriations". Even though the effect of the bill is to reduce existing appropriations, it is nevertheless by any reasonable definition an appropriations bill. Consequently the line item veto power would be applicable to LB 8, as of course would be the power to veto the bill in its entirety.

You also ask three additional questions concerning the effect of a line item veto under the following circumstances:

1. The Legislature rejects the Governor's recommended appropriation and substitutes in the bill the amount currently appropriated; would a line item veto restore the Governor's recommendations?
2. The Legislature rejects the Governor's recommended appropriation and appropriates an amount less than currently appropriated, but greater than the Governor's recommended appropriation; would a line item veto restore the Governor's recommendation, or would it restore the current appropriation?
3. If the Legislature, in rejecting the Governor's recommended appropriation, removes from the bill in its entirety, the section containing the recommendation; what, if any, veto authority would the Governor possess?

In the first circumstance the Governor could restore his recommended appropriation by reducing the amount of the appropriation in the bill to that level. The same result could also be achieved by the Governor in the second circumstance.

In the third circumstance, if the Legislature were to remove a particular section or item of appropriations from this bill before final passage, the Governor's line item veto would be inapplicable to that particular section or item of appropriations. If the bill was then approved in its entirety the existing appropriation for that item, enacted during the regular session of the Legislature, would remain in effect. The Governor of course would still have the option to veto the bill in its entirety.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) John Boehm  
Assistant Attorney General

JB/cmb/wl  
cc: Patrick J. O'Donnell  
Clerk of the Legislature

**UNANIMOUS CONSENT - Member Excused**

Mr. Chronister asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 3.** Read. Considered.

Mr. Vickers asked unanimous consent to withdraw LR 3. No objections. So ordered.

**EASE**

The Legislature was at ease from 4:25 p.m. until 4:46 p.m.

**UNANIMOUS CONSENT - Member Excused**

Mr. Fenger asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

**EASE**

The Legislature was at ease from 4:50 p.m. until 4:57 p.m.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 147  
November 5, 1981

Dear Senator Fenger:

This is in response to your letter of November 4, 1981, in which you stated that you wanted our comments on the Committee amendment to LB 7 which has been adopted. We are enclosing a copy of a letter that we have forwarded to Senator Warner which addresses the subject of whether or not certain provisions of LB 7 are within the provisions of the Governor's call as required by Article IV, Section 8 of the Constitution of Nebraska.

Additionally we offer the following comments concerning the second part of the Committee Amendment on child support collection fees from the standpoint of equal protection and due process. We do not see a denial of equal protection. However, we can visualize problems of due process in administration. The act provides for imposing a collection service fee on an individual who owes delinquent child support. Does the state go back to the beginning of the delinquency and collect a fee on the total amount, or is the fee calculated on any delinquency incurred following passage of the law? We see problems in any attempt at retroactive collection of fees for delinquent payments incurred prior to the act. If there is an attempt to add a fee to existing arrearage it is arguable that due process would require that the delinquent individual have notice and thus an opportunity to pay off the entire amount before he is assessed a fee.

Although the provision on the collection of fees are worded in general terms and will require specific regulations for proper administration it is our opinion that they are not so vague as to be constitutionally defective.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Royce N. Harper  
Assistant Attorney General

(Signed)

RNH:kkh

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 148  
November 5, 1981

Dear Senator Schmit:

This is in response to your letter of November 5, 1981, in which you stated that concerns have been expressed regarding certain provisions of LB 7 which is before this Special Session of the Legislature. You specifically called our attention to Section 3, page 6, beginning on line 10, dealing with collection services for child support. It is our understanding that certain defects in that version were corrected by the adoption of the committee amendment which specified "delinquent child support" and provided that fees collected for non-welfare cases would be placed in the general fund of the appropriate county.

We have reviewed the sections on child support collection from the standpoint of equal protection and due process. We do not see a denial of equal protection. However, we can visualize problems of due process in administration. The act provides for imposing a collection service fee on an individual who owes delinquent child support. Does the state go back to the beginning of the delinquency and collect a fee on the total amount? Or is the fee calculated on any delinquency incurred following passage of the law? We see problems in any attempt at retroactive collection of fees for delinquent payments incurred prior to the act. If there is an attempt to add a fee to existing arrearage it is arguable that due process would require that the delinquent individual have notice and thus an opportunity to pay off the entire amount before he is assessed a fee.

Although the provisions on the collection of fees are worded in general terms and will require specific regulations for proper administration it is our opinion that they are not so vague as to be constitutionally defective. Additionally, we have concerns about the constitutionality of the bill from the standpoint of whether certain provisions are within the provisions of the Governor's call as required by Article IV, Section 8 of the Constitution of Nebraska. I am enclosing a copy of a letter which we forwarded to Senator Warner on that subject.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Royce N. Harper  
Assistant Attorney General

RNH:kkh

cc: Patrick J. O'Donnell



Opinion No. 149  
November 5, 1981

Dear Senator Warner:

This is in response to your letter of November 5, 1981, requesting an opinion as to whether or not the amendments to Legislative Bill 7, adopted by the Nebraska Legislature on November 4 and 5 contain provisions which are outside Governor Thone's "call" for the current extraordinary session of the Nebraska Legislature.

On October 30, 1981, Charles Thone, Governor of the State of Nebraska, amended the call for an extraordinary session of the Legislature of Nebraska made on October 27, 1981, to include the amendment of laws relating to Aid to Families with Dependent Children as required by federal law and the amendment of laws relating to Child Support Enforcement as required by federal law.

The Committee Amendment to LB 7 which has been adopted provides that state funds will be used for AFDC payments for pregnant women whose needs in the first six months of pregnancy are not funded by federal participation.

The issue is whether this portion of the amendment is within the Governor's call as required by Article IV, Section 8, of the Constitution of Nebraska.

Article IV, Section 8 states that the Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.

It is the opinion of this office that since the call was for the purpose of reducing spending and for the amending of state laws as required by federal law an act authorizing additional benefits is clearly beyond the purpose of the Governor's call.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Royce N. Harper  
Assistant Attorney General

RNH:kkh

cc: Patrick J. O'Donnell

**MOTION - Adjournment**

Mr. DeCamp moved to adjourn until 9:00 a.m., Friday, November 6, 1981.

Mr. DeCamp moved for a Call of the House. The motion lost with 16 ayes, 17 nays, and 16 not voting.

Mr. DeCamp requested a roll call vote on his motion to adjourn.

Voting in the affirmative, 18:

Beutler	DeCamp	Higgins	Labeledz	Sieck
Burrows	Dworak	Hoagland	Lamb	Wiitala
Chambers	Fowler	Johnson, V.	Newell	
Cullan	Haberman	Kilgarin	Schmit	

Voting in the negative, 23:

Apking	Duda	Marvel	Remmers	Wagner
Barrett	Hefner	Nichol	Rumery	Warner
Beyer	Johnson, L.	Peterson, H.	Stoney	Wesely
Carsten	Kahle	Peterson, R.	Vickers	
Cope	Landis	Pirsch	Von Minden	

Excused and not voting, 8:

Chronister	Fenger	Goodrich	Kremer
Clark	Goll	Koch	Marsh

The DeCamp motion to adjourn lost with 18 ayes, 23 nays, and 8 excused and not voting.

### **MOTION - Recess**

Mr. Warner moved to recess until 7:00 p.m.

The motion prevailed with 26 ayes, 8 nays, 7 present and not voting, and 8 excused and not voting.

At 5:25 p.m., on a motion by Mr. Warner, the Legislature recessed until 7:00 p.m.

### **VISITORS**

Visitors to the Chamber were Ann Hardy from Wauneta and Laura Olson from St. Paul.

**AFTER RECESS**

The Legislature reconvened at 7:04 p.m., President Luedtke presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh, Messrs. Chronister, Fenger, Goodrich, L. Johnson, and Kremer who were excused; and Mr. Landis who was excused until he arrives.

**RESOLUTION****LEGISLATIVE RESOLUTION 7.**

Introduced by Dworak, 22nd District; Burrows, 30th District; Fowler, 27th District; Higgins, 9th District; Wiitala, 31st District; Labedz, 5th District; Newell, 13th District; Kahle, 37th District; Landis, 46th District; Wesely, 26th District; Kilgarin, 7th District; Sieck, 24th District; Hoagland, 6th District; Rumery, 42nd District.

WHEREAS, the closing of the Morton House Foods plant in Nebraska City would leave 175 people without jobs; and

WHEREAS, unemployment deprives workers of the dignity and self-fulfillment of earning a living; and

WHEREAS, the closing of the Morton House Foods plant would weaken the entire Nebraska economy and reduce state revenues from which vital services and programs are funded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature supports all efforts to prevent closing of the Morton House Foods plant and calls upon the State Department of Economic Development and the State Department of Environmental Control to work with Nebraska City civic, business and labor representatives, and officials of Morton House Foods to keep the plant open or attract another firm to Nebraska City.

Laid over.

**EXPLANATION OF VOTE**

Had I been present during the vote which was cast on LR 2, I would have voted Yes.

(Signed) Bill Barrett

**MOTION - Return LB 7 to Select File**

Mr. Warner moved to return LB 7 to Select File for the following specific amendment:

- 1 1. Strike the Standing Committee amendment
- 2 on pages 77 and 78 of the Journal.

Messrs. Kahle and Lamb asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner requested a record vote on his motion to return LB 7 to Select File.

Voting in the affirmative, 15:

Carsten	Duda	Hefner	Peterson, R.	Stoney
Clark	Goll	Nichol	Pirsch	Von Minden
Cope	Haberman	Peterson, H.	Remmers	Warner

Voting in the negative, 24:

Apking	Chambers	Higgins	Labeledz	Vickers
Barrett	Cullan	Hoagland	Marvel	Wagner
Beutler	DeCamp	Johnson, V.	Newell	Wesely
Beyer	Dworak	Kilgarin	Schmit	Wiitala
Burrows	Fowler	Koch	Sieck	

Present and not voting, 1:

Rumery

Excused and not voting, 9:

Chronister	Goodrich	Kahle	Lamb	Marsh
Fenger	Johnson, L.	Kremer	Landis	

The Warner motion lost with 15 ayes, 24 nays, 1 present and not voting, and 9 excused and not voting.

Mr. Warner moved to return LB 7 to Select File for the following specific amendment:

- 1 1. Insert the following new section:
- 2 "Sec. 4. If any section in this act or any
- 3 part of any section shall be declared invalid or
- 4 unconstitutional, such declaration shall not affect

- 5 the validity or constitutionality of the remaining  
6 portions thereof."  
7 2. Renumber remaining sections accordingly.

The Warner motion to return LB 7 to Select File prevailed with 25 ayes, 10 nays, 5 present and not voting, and 9 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 7.** The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 11 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

### MOTION - Recess

Mr. Beyer moved to recess until 11:45 p.m.

The motion lost with 8 ayes, 12 nays, 20 present and not voting, and 9 excused and not voting.

### UNANIMOUS CONSENT - Members Excused

Messrs. Sieck and Vickers asked unanimous consent to be excused. No objections. So ordered.

### EASE

The Legislature was at ease from 8:13 p.m. until 8:22 p.m.

### SELECT COMMITTEE REPORT

#### Enrollment and Review

#### Correctly Re-Engrossed

The following bill was correctly re-engrossed: LB 7.

(Signed) Karen Kilgarin, Chairperson

#### Enrollment and Review Change to LB 7

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 7:

The following change, now required to be reported for print in the Journal, has been made:

“In the title, line 10, “to provide for severability;” has been inserted before “to”.

(Signed) Emory P. Burnett  
E & R Attorney

### **ADJOURNMENT**

At 8:25 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Friday, November 6, 1981.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTH DAY - NOVEMBER 6, 1981****LEGISLATIVE JOURNAL****EIGHTY-SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, November 6, 1981

Pursuant to adjournment, the Legislature met at 10:03 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by Pastor Gale R. Baldrige, First Baptist Church, Lincoln, Nebraska.

**ROLL CALL**

The roll was called and all members were present except Mr. Kremer and Mrs. Marsh who were excused; and Messrs. Beutler, Fowler, V. Johnson, Newell, Stoney, Wiitala, and Miss Kilgarin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifth Day was approved.

**STANDING COMMITTEE REPORTS  
Agriculture and Environment**

The Committee on Agriculture and Environment desires to report favorably upon the appointments listed below. The Committee on Agriculture and Environment suggests the appointments be confirmed by the Legislature and suggests a record vote:

Bert Garvin, Director, Department of Agriculture  
Don Crosier, Environmental Control Council  
Sylvia Wagner, Environmental Control Council  
Vernon Pearson, Environmental Control Council

Vote For: Sieck, Burrows, R. Peterson, Wagner, and Schmit.  
Against: None. Not Voting: None. Absent: Wiitala, Nichol, Remmers.

The Committee suggests the reappointments be confirmed by the Legislature and suggests a record vote:

Ralph O'Conner, Nebraska Gasohol Committee  
 Patricia Hoffman, Environmental Control Council  
 Bill Krejci, Environmental Control Council

Vote For: Sieck, Burrows, R. Peterson, Wagner, and Schmit.  
 Against: None. Not Voting: None. Absent: Wiitala, Nichol, Remmers.

(Signed) Loran Schmit, Chairperson

### **MOTION - Approve Appointments**

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 71: Liquor Control Commission - Bill Palmer, Tom Fitzgerald; Nebraska Arts Council - Sam Davidson, Richard L. White, Joan Nelson; Paul Galter - State Racing Commission.

Voting in the affirmative, 31:

Apking	Cope	Higgins	Nichol	Vickers
Barrett	Cullan	Hoagland	Peterson, H.	Von Minden
Beyer	DeCamp	Johnson, L.	Peterson, R.	Wagner
Burrows	Duda	Kahle	Remmers	
Carsten	Goll	Labeledz	Rumery	
Chronister	Haberman	Lamb	Schmit	
Clark	Hefner	Landis	Sieck	

Voting in the negative, 0.

Present and not voting, 9:

Chambers	Fenger	Koch	Pirsch	Wesely
Dworak	Goodrich	Marvel	Warner	

Excused and not voting, 9:

Beutler	Johnson, V.	Kremer	Newell	Wiitala
Fowler	Kilgarin	Marsh	Stoney	

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.



Mr. Cullan moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointment found in the Journal on page 75: Dr. Henry Smith, Director, Department of Health.

Voting in the affirmative, 31:

Apking	DeCamp	Hoagland	Nichol	Vickers
Barrett	Duda	Johnson, L.	Peterson, H.	Von Minden
Beyer	Fenger	Kahle	Peterson, R.	Wesely
Carsten	Goll	Koch	Remmers	
Clark	Haberman	Labeledz	Rumery	
Cope	Hefner	Lamb	Schmit	
Cullan	Higgins	Landis	Sieck	

Voting in the negative, 0.

Present and not voting, 9:

Burrows	Chronister	Goodrich	Pirsch	Warner
Chambers	Dworak	Marvel	Wagner	

Excused and not voting, 9:

Beutler	Johnson, V.	Kremer	Newell	Wiitala
Fowler	Kilgarin	Marsh	Stoney	

The appointment was confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 77: Harvey D. Davis, Judge of the Commission of Industrial Relations.

Voting in the affirmative, 34:

Apking	DeCamp	Higgins	Marvel	Sieck
Barrett	Duda	Hoagland	Nichol	Vickers
Beyer	Dworak	Johnson, L.	Peterson, H.	Von Minden
Burrows	Fenger	Kahle	Peterson, R.	Wagner
Carsten	Goll	Koch	Remmers	Warner
Chronister	Haberman	Labeledz	Rumery	Wesely
Cope	Hefner	Landis	Schmit	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Cullan	Lamb
Clark	Goodrich	Pirsch

Excused and not voting, 9:

Beutler	Johnson, V.	Kremer	Newell	Wiitala
Fowler	Kilgarin	Marsh	Stoney	

The appointment was confirmed with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Nichol moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 79: Charles L. Benson, Director, Department of Corrections.

Voting in the affirmative, 30:

Apking	Duda	Higgins	Landis	Schmit
Barrett	Dworak	Hoagland	Nichol	Sieck
Beyer	Fenger	Johnson, L.	Peterson, H.	Vickers
Burrows	Goll	Kahle	Peterson, R.	Von Minden
Carsten	Haberman	Labeledz	Remmers	Wagner
DeCamp	Hefner	Lamb	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Clark	Cullan	Koch	Pirsch
Chronister	Cope	Goodrich	Marvel	Warner

Excused and not voting, 9:

Beutler	Johnson, V.	Kremer	Newell	Wiitala
Fowler	Kilgarin	Marsh	Stoney	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Schmit moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in this day's Journal: Bert Garvin, Director, Department of Agriculture.

Voting in the affirmative, 31:

Apking	Duda	Johnson, L.	Peterson, R.	Wagner
Barrett	Dworak	Kilgarin	Remmers	Warner
Beyer	Fenger	Labeledz	Rumery	Wesely
Burrows	Goll	Lamb	Schmit	
Chronister	Haberman	Landis	Sieck	
Cope	Hefner	Nichol	Vickers	
DeCamp	Hoagland	Peterson, H.	Von Minden	

Voting in the negative, 0.

Present and not voting, 10:

Carsten	Clark	Goodrich	Kahle	Marvel
Chambers	Cullan	Higgins	Koch	Pirsch

Excused and not voting, 8:

Beutler	Johnson, V.	Marsh	Stoney
Fowler	Kremer	Newell	Wiitala

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Mr. Schmit moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointments found in this day's Journal: Environmental Control Council - Don Crosier, Sylvia Wagner, Vernon Pearson.

Voting in the affirmative, 32:

Apking	Duda	Johnson, L.	Nichol	Vickers
Barrett	Dworak	Kahle	Peterson, H.	Von Minden
Beyer	Fenger	Kilgarin	Peterson, R.	Wagner
Burrows	Goll	Labeledz	Remmers	Wesely
Chronister	Haberman	Lamb	Rumery	
Cope	Hefner	Landis	Schmit	
DeCamp	Hoagland	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 9:

Carsten	Clark	Goodrich	Koch	Warner
Chambers	Cullan	Higgins	Pirsch	

Excused and not voting, 8:

Beutler	Johnson, V.	Marsh	Stoney
Fowler	Kremer	Newell	Wiitala

The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Schmit moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in this day's Journal: Ralph O'Conner, Nebraska Gasohol Committee.

Voting in the affirmative, 34:

Apking	Duda	Johnson, L.	Marvel	Sieck
Barrett	Dworak	Kahle	Nichol	Vickers
Beyer	Fenger	Kilgarin	Peterson, H.	Von Minden
Burrows	Goll	Koch	Peterson, R.	Wagner
Carsten	Haberman	Labeledz	Remmers	Wesely
Chronister	Hefner	Lamb	Rumery	Wiitala
DeCamp	Hoagland	Landis	Schmit	

Voting in the negative, 0.

Present and not voting, 8:

Chambers	Cope	Goodrich	Pirsch
Clark	Cullan	Higgins	Warner

Excused and not voting, 7:

Beutler	Johnson, V.	Marsh	Stoney
Fowler	Kremer	Newell	

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Schmit moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointments found in this day's Journal: Environment Control Council - Patricia Hoffman, Bill Krejci.

Voting in the affirmative, 34:

Apking	Dworak	Johnson, L.	Marvel	Vickers
Barrett	Fenger	Kahle	Nichol	Von Minden
Beyer	Goll	Kilgarin	Peterson, R.	Wagner
Burrows	Haberman	Koch	Remmers	Warner
Chronister	Hefner	Labedz	Rumery	Wesely
Cope	Higgins	Lamb	Schmit	Wiitala
Duda	Hoagland	Landis	Sieck	

Voting in the negative, 0.

Present and not voting, 8:

Carsten	Clark	DeCamp	Peterson, H.
Chambers	Cullan	Goodrich	Pirsch

Excused and not voting, 7:

Beutler	Johnson, V.	Marsh	Stoney
Fowler	Kremer	Newell	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

## **MR. CLARK PRESIDING**

### **MOTION - Adjournment**

Mr. Fenger moved to adjourn until 8:00 a.m., Saturday, November 7, 1981.

The motion lost with 14 ayes, 19 nays, 12 present and not voting, and 4 excused and not voting.

## **RESOLUTION**

### **LEGISLATIVE RESOLUTION 4. Read. Considered.**

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 80. No objections. So ordered.

Messrs. Hoagland, Cullan, and Landis offered the following amendment:

Strike the language of Legislative Resolution 4 found on page 72 of the Legislative Journal and substitute the following:

WHEREAS, the enactment and enforcement of laws and regulations by duly constituted governmental authorities is essential to the operation of a civilized society; and

WHEREAS, it is an axiom of American democracy that no individual, class, race, religion or group can be above the operation of the law and that no one should violate the law with impunity; and

WHEREAS, it is necessary that any such laws and regulations be enforced in a consistent and evenhanded fashion if the citizens of a democracy are to maintain respect for their governments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION, that Legislature calls upon the members of the Judicial Branch of state government, the Attorney General, the Nebraska State Patrol and all law enforcement agencies of the State of Nebraska to enforce all of the laws and regulations of the State of Nebraska in an evenhanded fashion without regard to wealth, privilege, class, race, religion or any other special classification.

Pending.

### **MOTION - Adjournment**

Mr. DeCamp moved to adjourn until 8:00 a.m., Saturday, November 7, 1981.

Mr. DeCamp moved for a Call of the House.

Mr. DeCamp moved the Call be raised.

The DeCamp motion to adjourn lost with 12 ayes, 16 nays, 17 present and not voting, and 4 excused and not voting.

### **UNANIMOUS CONSENT - Member Excused**

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 4.** The Hoagland-Cullan-Landis amendment was renewed.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 present and not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 22 ayes, 5 nays, and 22 not voting.

Mr. Hoagland requested a roll call vote on the amendment.

Voting in the affirmative, 21:

Apking	Cullan	Hoagland	Marvel	Wiitala
Beutler	Duda	Johnson, V.	Pirsch	
Carsten	Goodrich	Kahle	Remmers	
Chambers	Haberman	Kilgarin	Vickers	
Cope	Hefner	Landis	Wesely	

Voting in the negative, 15:

Barrett	Clark	Nichol	Schmit	Von Minden
Burrows	Goll	Peterson, H.	Sieck	Wagner
Chronister	Koch	Rumery	Stoney	Warner

Present and not voting, 8:

Beyer	Dworak	Higgins	Lamb
DeCamp	Fenger	Labeledz	Peterson, R.

Excused and not voting, 5:

Fowler	Johnson, L.	Kremer	Marsh	Newell
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The Hoagland-Cullan-Landis amendment lost with 21 ayes, 15 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Koch asked unanimous consent to withdraw LR 4.

Mr. Warner objected.

Mr. Warner withdrew his objection.

Mr. Nichol objected.

Mr. Koch moved to withdraw LR 4.

**MOTION - Adjournment**

Mr. Beutler moved to adjourn until 8:00 a.m., Saturday, November 7, 1981.

The motion lost with 8 ayes, 26 nays, 10 present and not voting, and 5 excused and not voting.

**MOTION - Withdraw LR 4**

Mr. Koch's motion to withdraw LR 4 was renewed.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Koch motion to withdraw LR 4 lost with 8 ayes, 26 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to indefinitely postpone LR 4.

Mr. Cullan requested a record vote on the Chambers motion.

Voting in the affirmative, 31:

Apking	Cope	Hoagland	Nichol	Warner
Barrett	Cullan	Johnson, V.	Peterson, R.	Wesely
Beutler	Duda	Kahle	Pirsch	Wiitala
Burrows	Dworak	Kilgarin	Rumery	
Carsten	Goodrich	Koch	Schmit	
Chambers	Haberman	Landis	Vickers	
Clark	Hefner	Marvel	Wagner	

Voting in the negative, 9:

DeCamp	Higgins	Peterson, H.	Sieck	Von Minden
Goll	Labedz	Remmers	Stoney	

Present and not voting, 4:

Beyer	Chronister	Fenger	Lamb
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Excused and not voting, 5:

Fowler          Johnson, L.   Kremer          Marsh          Newell

The Chambers motion to indefinitely postpone LR 4 prevailed with 31 ayes, 9 nays, 4 present and not voting, and 5 excused and not voting.

Messrs. Beutler, Dworak, Wesely, and Miss Kilgarin asked unanimous consent to be excused until they return. No objections. So ordered.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 5.** Read. Considered.

LR 5 was adopted with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

Messrs. Carsten and Beyer asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE RESOLUTION 6.** Read. Considered.

LR 6 was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

### **UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Carsten asked unanimous consent to add his name as a sponsor to LR 7. No objections. So ordered.

### **ADJOURNMENT**

At 12:12 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 8:00 a.m., Saturday, November 7, 1981.

Patrick J. O'Donnell  
Clerk of the Legislature



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**SEVENTH DAY - NOVEMBER 7, 1981**  
**LEGISLATIVE JOURNAL**

**SEVENTH DAY - NOVEMBER 7, 1981**

**LEGISLATIVE JOURNAL**

**EIGHTY-SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Saturday, November 7, 1981

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

**ROLL CALL**

The roll was called and all members were present except Mr. Haberman and Mrs. Marsh who were excused; and Messrs. Beutler, Burrows, Chambers, DeCamp, Duda, Hoagland, V. Johnson, Landis, Newell, Stoney, Wesely, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Sixth Day was approved.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 2, LR 5, and LR 6.

**MOTION - Return LB 8 to Select File**

Mr. Fowler moved to return LB 8 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Fowler asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Warner moved to return LB 8 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Warner asked unanimous consent to withdraw his motion. No objections. So ordered.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 8. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1981, LB 558, sections 3 and 6 to 13, Laws 1981, LB 559, sections 3 to 5, 7 to 13, 15 to 22, 24 to 28, 30 to 46, and 48, Laws 1981, LB 560, sections 3 to 13, Laws 1981, LB 561, sections 7, 9, 11 to 13, 16, 17, 23, 26 to 29, 31, and 32, Laws 1981, LB 562, section 23, Laws 1981, LB 163, sections 6, 10, 17, and 21, Laws 1980, LB 1000, sections 4 and 5, as amended by Laws 1981, LB 163, sections 3 and 4, respectively, Laws 1980, LB 1001, section 28, as amended by Laws 1981, LB 163, section 5, Laws 1981, LB 557, section 20, Laws 1981, LB 207A, section 1, Laws 1981, LB 245A, sections 1, and 3 to 6, Laws 1981, LB 292A, section 1, Laws 1981, LB 328A, sections 1 and 2, and Laws 1981, LB 559, section 6, as amended by Laws 1981, LB 487A, section 2; to reduce, defer, and delete appropriations; to increase and provide additional transfers from cash funds to the General Fund; to defer a provision relating to the proposed Regional College of Veterinary Medicine; to repeal the original sections, and also Laws 1981, LB 206A, section 2, and Laws 1981, LB 562, sections 4 and 16; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Apking	Cullan	Hoagland	Marvel	Schmit
Barrett	DeCamp	Johnson, L.	Newell	Sieck
Beyer	Duda	Johnson, V.	Nichol	Stoney
Burrows	Fenger	Kilgarin	Peterson, H.	Vickers
Carsten	Goll	Koch	Peterson, R.	Von Minden
Chronister	Goodrich	Kremer	Pirsch	Wagner
Clark	Hefner	Labeledz	Remmers	Warner
Cope	Higgins	Lamb	Rumery	Wiitala

Voting in the negative, 5:

Beutler      Dworak      Fowler      Kahle      Landis

Present and not voting, 1:

Wesely

Excused and not voting, 3:

Chambers      Haberman      Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **MR. CLARK PRESIDING**

#### **LEGISLATIVE BILL 7. With Emergency.**

A BILL FOR AN ACT to amend sections 43-504 and 43-504.01, Reissue Revised Statutes of Nebraska, 1943, relating to assistance to certain children; to redefine terms; to change benefit requirements as prescribed; to prescribe work registration requirements; to impose a fee for collection services as prescribed; to provide for termination of a section; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Apking	Cope	Higgins	Marvel	Vickers
Barrett	Cullan	Hoagland	Newell	Von Minden
Beutler	Duda	Johnson, L.	Nichol	Wagner
Beyer	Dworak	Johnson, V.	Peterson, H.	Wesely
Burrows	Fenger	Kilgarin	Peterson, R.	Wiitala
Carsten	Goll	Koch	Remmers	
Chronister	Goodrich	Labeledz	Rumery	
Clark	Hefner	Lamb	Sieck	

Voting in the negative, 8:

Fowler	Kremer	Pirsch	Stoney
Kahle	Landis	Schmit	Warner

Present and not voting, 1:

DeCamp

Excused and not voting, 3:

Chambers    Haberman    Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SPEAKER MARVEL PRESIDING**

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 8 and 7.

#### **EASE**

The Legislature was at ease from 9:30 a.m. until 9:41 a.m.

#### **MOTION - Advise Governor**

Mr. Nichol moved that a committee of five be appointed to wait upon the Governor to advise him that the Legislature has completed its work and is ready to adjourn and to ask if he has any further message for the Legislature.

The motion prevailed.

The Chair appointed Messrs. Nichol, Kahle, Carsten, Beyer, and R. Peterson.

The Committee escorted the Governor to the rostrum where he addressed the body.

The Committee escorted the Governor from the Chamber.

#### **MOTION - Disposition of Bills**

Mr. Hefner moved that all bills not otherwise disposed of, excluding vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

**MOTION - Permanent Journal and Session Laws**

Mr. Cope moved that the Clerk of the Legislature be instructed to send to each member of the Legislature and to the Lieutenant Governor, for the Eighty-Seventh Legislature, First Special Session, a copy of the Permanent Legislative Journal of said session and a copy of the Session Laws passed thereat.

The motion prevailed.

**MOTION- Approve Journal**

Mrs. Labeledz moved that the Legislative Journal for the Seventh Day be approved as prepared by the Clerk.

The motion prevailed.

**EXPLANATIONS OF VOTES**

Had I been present I would have voted yes on LB 7 and LB 8.

(Signed) Rex Haberman

I would like to at this time, offer an explanation for my "yes" vote on LB 8, the Governor's proposal to cut the budget by approximately \$25 million. When the Governor presented us with his political problem of the need to raise the tax rates in order to compensate for the downturn in the economy and the Reagan tax cuts, there were a number of possible solutions available to the Legislature. I, myself, introduced two bills that offered solutions, one involving a change in the 3%-7% reserve requirement, the other would allow the Legislature to set the tax rates.

But it became apparent that Charles Thone was intent on having his way only. The Republican Senators adopted rules that would only allow the solutions proposed by the Governor to be introduced, and the Governor refused to accept any compromise solution, such as the one proposed by Senator Warner.

It is my opinion, that the Governor's proposals were a short term solution at best. They did not address the question of the \$50 million that we will lose next year with the further tax cuts on the federal level. In addition, his revenue forecasts are based on the assumption, and I might add, wishful thinking, that the economy will not only improve but improve considerably. The national economy has shown recent declines and a disastrous drop in commodity prices will drastically undercut Nebraska's long-term fiscal health.



Even after revising projections down some \$33 million since June the Governor expects an increase of \$65 million or 8.7% in gross General Fund revenues for FY81-82. During FY80-81, revenues grew only \$30 million, or 4.2%, and this was prior to the Reagan tax proposals and the advent of a national recession.

It is expected that revenues may fall an additional \$10 to \$25 million short of these projections, and sales tax revenues are certain to fall with the recession.

It is evident that Charles Thone wants these budget cuts desperately to fulfill his unwise pledge not to raise the tax rates. This is precisely what I have voted to give him, the opportunity to take full responsibility for the consequences of his decision today and the effect that this short-term solution will have on the long-term fiscal health of the State of Nebraska.

(Signed) Dave Newell

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on November 7, 1981, at 9:37 a.m., were the following bills: 7 and 8.

(Signed) Emory P. Burnett  
E & R Attorney

#### **MOTION - Adjournment**

Mr. Kremer moved that the Eighty-Seventh Legislature, First Special Session of the Legislature having finished all business before it, now at 9:54 a.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature



**CHRONOLOGY OF BILLS**  
**EIGHTY-SEVENTH LEGISLATURE**  
**FIRST SPECIAL SESSION**  
**1981**

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Oct. 30	Read first time.....	19
Nov. 7	Indefinitely postponed.....	121

**LEGISLATIVE BILL 3 By Fowler**

Oct. 30	Read first time.....	19
Nov. 7	Indefinitely postponed.....	121

**LEGISLATIVE BILL 4 By Fowler**

Oct. 30	Read first time.....	19
Nov. 7	Indefinitely postponed.....	121

**LEGISLATIVE BILL 5 By Fowler**

Oct. 30	Read first time.....	19
Nov. 7	Indefinitely postponed.....	121

**LEGISLATIVE BILL 6 By Fowler**

Oct. 30	Read first time.....	20
Nov. 7	Indefinitely postponed.....	121

**LEGISLATIVE BILL 7 By Speaker Marvel at request of Governor**

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#### **LEGISLATIVE BILL 8 By Speaker Marvel at request of Governor**

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## **LEGISLATIVE BILLS**

### **By Original Introducers**

#### **BILL BURROWS**

- 2 Provide for setting of sales and income tax rates by the Legislature.

#### **STEVE FOWLER**

- 2 Provide for setting of sales and income tax rates by the Legislature.  
 3 Legislative appropriation to state public transportation assistance program.  
 4 Transfer certain funds to the Severance Tax Fund.  
 5 Transfer certain funds to the General Fund.  
 6 Eliminate certain funds and change funding for certain programs.

#### **DAVE LANDIS**

- 2 Provide for setting of sales and income tax rates by the Legislature.

#### **RICHARD MARVEL**

- 7\* Change certain requirements relating to aid to dependent children.  
 8\* Reduce, defer, and delete certain appropriations.  
 \* At the request of the Governor.

#### **DAVE NEWELL**

- 1 Change a restriction on setting sales and income tax rates.  
 2 Provide for setting of sales and income tax rates by the Legislature.

#### **STEVE WIITALA**

- 2 Provide for setting of sales and income tax rates by the Legislature.

**LEGISLATIVE BILLS REFERRED TO COMMITTEE**

**Public Health and Welfare**

Chairperson: Samuel K. Cullan

**LB 7**



## SUMMARY OF LEGISLATIVE BILLS

### Eighty-Seventh Legislature, First Special Session

Total number of bills introduced .....8  
 Total number of resolutions introduced.....7

Approved by the Governor, 2:

7     8

Indefinitely postponed, 6:

1     2     3     4     5     6

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